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"History is Past Politics; Politics Present History."—FREEMAN.

ALBANY

New York

— AND —

Its Place in the History of the United States.

A MEMORIAL SKETCH

— WRITTEN FOR —

THE TWO-HUNDREDTH ANNIVERSARY

— OF ITS —

BIRTHDAY AS A CITY.

— BY —

BERTHOLD FERNOW,

Honorary and Corresponding Member of the Historical Societies of New York, New Jersey, Pennsylvania, Virginia, Buffalo, and Waterloo; Member of the American Historical Association; Custodian of the Historical Records of the State.

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PREFACE.

The *Albany Express* of Friday, April 30, 1886, said:

"The Bi-centennial committee has selected Governor Hill as the orator, Mr. William H. McElroy, of the New York Tribune, as the poet, and Mr. Berthold Fernow, the custodian of the colonial records of the State, as the historian, of the Bi-centennial celebration of the founding of the charter of the city of Albany.

"These selections are all admirable. It is eminently proper that the Governor of the State should be invited to deliver the oration on an occasion that has to do so intimately with the history of this noble Commonwealth. While not a finished orator, Governor Hill is a strong and practical talker, and he will deliver an address full of interest and valuable as a study of American municipal history.

"Mr. McElroy has been regarded from the first as the only person to be invited to prepare the poem for this occasion. He is a native of Albany, and he loves the good old city as dearly as though he had never left it. He is a born poet as well as a born humorist; and his contribution to our Bi-centennial literature will be as full of poetry as it is full of wit, and as full of both as Albany is full of years.

"Mr. Fernow is an expert in the colonial history of this city and this State. He has studied more into the musty records of the Dutch and English times, and written more

regarding them, than any man now alive. His history will be a finished monograph, and the worthy permanent memorial of the Bi-centennial celebration."

Beyond a conversation with a sub-committee, this was the only information which the author received of the selection.

Duly appreciating the honor, although believing that it should have been conferred upon a native of the city of Albany, or at least upon a native of the State of New York, and not upon a foreigner, the author undertook the task and herewith submits the result to the public.

An attempt to try writing a history of the city from its earliest settlements could only have resulted in complete failure, seeing in how short a time it had to be done. This sketch will contain practically nothing new, but only facts, already known, considered under a new light.

The same shortness of time must be the excuse for omissions and too sketchy treatment of the matter. The author, however, has made no statement that he cannot prove by "chapter and verse" from the records in his charge.

ALBANY, *July*, 1886.

"Great oaks from little acorns grow,
Great streams from little fountains flow."

HAVE we grown more irreligious than our forefathers, or more tolerant?

In the days when the white race first invaded the home of the red man, where the capital of the Empire State now stands, people were ready to fight to the bitter end for their religious beliefs and their own peculiar manner of worshipping their Creator. To a conflict of this kind Albany and the State of New York owe their origin.

"History," says Bacon, "makes men wise." He might have added "and patriotic." The remembrance of Thermopylæ and Marathon makes a brave man of the puniest Greek; the thought of Waterloo fires the heart of the Englishman and the German, whose grandfathers stood on that field fighting against the Corsican whirlwind, then disturbing the peace of Europe. But history's field of usefulness ought to be extended still further. We have learnt from it the right of self-defense, which admits that no man shall accept passively the infliction of violence to his person or his family; and we might learn from it the great lesson of *self-respect*, so little heeded by us in America. Many a man is willing to pass through a slough of the most abject humiliation in order to obtain either political preferment or make more money than his neighbor.

Political preferment was not a motive to the actions of the Dutch, who planted the Colony of New Netherland, laid

the "corner stone of the Empire State," and prepared the cement which bound together the fabric of the United States in after years. Commercial wealth had something to do with the first settlement of the Dutch on the Hudson river, but it was secondary to their love of liberty, political and religious. It were these traits which had induced the Dutch to fight the Spaniards in the manner of their ancestors, the Batavians, whom Tacitus immortalized by the saying, "Other nations go to battle—they go to war."

Carlyle says, the Spaniards wanted the Dutch to believe in St. Ignatius and "went about with swords and guns" to enforce this belief. "Never made them believe in him, but did succeed in breaking their own vertebral column forever and raising the Dutch into a great nation." It was known that Spain obtained the means to carry on her wars from the fabulous gold mines of an equally fabulous Eldorado in the still somewhat unknown New World. To sap this source of wealth and destroy Spain's power to do harm, was the motive for the first expeditions sent out by the Dutch, of which only that under Henry Hudson in 1609 concerns us.

On the 4th of September, of that year, he entered with his vessel of sixty tons burthen, the "Half Moon," through the Narrows into New York bay, and on the 19th of the same month, "I landed," he says, "in one of their boats in company of an old man, who was the chief there of forty men and seventeen women; we went to a house of oak bark." That is the description of Albany as it appeared to the first white visitor of whom we have positive knowledge. The inhabitants dressed in garments made by themselves out of the skins furnished by the chase, which was their occupation. Their nourishment was "Turkish wheat," the Indian corn of our day, made into cakes, "very good to eat," quaintly says De Laet.

In the simple traditional history of the Indians, this first meeting is described with a little more detail. The River Indians, of the Mohican tribe, said in their speech to the

Commissioners of the Colonies assembled at Albany in 1754: "Fathers, who sit present here, we will just give you a short relation of the long friendship which has subsisted between the white people of this country and us. Our forefathers had a castle on this river; as one of them walked out he saw something on the river, but was at a loss to know what it was; he took it at first for a great fish; he ran into the castle and gave notice to the other Indians, two of our forefathers went to see what it was and found it a vessel with men in it; they immediately joined hands with the people in the vessel and became friends; the white people told them they should not come any further up the river at that time, and said to them they would return back from whence they came and return in a year's time; according to their promise they returned in a year's time and came as far up the river as where the old fort stood; our forefathers invited them ashore and said to them, 'here we will give you a place to make you a town, it shall be from this place up to such a stream (meaning where the Patroon's mill now stands), and from the river back up to the hill.' Our forefathers told them they were now a small people, they would in time multiply and fill up the land they had given them. After they were ashore some time, some other Indians, who had not seen them before, looked fiercely at them, and our forefathers observing it and seeing the white people so few in number, lest they should be destroyed, took and sheltered them under their arms, but it turned out that these Indians did not desire to destroy them, but wished also to have the said white people for their friends; at this time, which we have now spoken of, the white people were small, but we were very numerous."

We have no conclusive proof, that Hudson and his crew were the first white discoverers of this locality, but we have indications, that it had been visited by Spaniards or French. After the failure of Estebau Gomez, in 1524–5, and of the Licenciado d'Aillon and Matienzo, in 1526, a Spanish writer is led to exclaim: "To the South, to the South for the great

and exceeding riches of the Equinoctial; they that seek gold, must not go to the cold and frozen North." The part of North America, now constituting some of the most powerful and populous States of the Union, was of no value in the eyes of the Spaniards; they looked upon it only as a barrier to the richer fields of Cathay.

The report, which Hudson made to his employers in Holland, after his return, was accompanied by rich and costly furs, bartered from the Indians. This awoke the cupidity of the Dutch and led to a number of trading expeditions to the newly explored territory. Our records tell us, that this trading with the Indians was not quite safe, as it carried the penalty of occasional captivity of the traders, at the hands of the red people. The oldest muniment for the history of the State of New York, is a map dated about 1614 to 1616 and found by Mr. J. Romeyn Broadhead, in the Archives of the Hague.* This map was made up probably from information, gathered by three of these unfortunate traders, while moving about with their captors. On it we find mention of the first settlement positively known to have been made in this locality. It was called Nassouw or Fort Nassau, in honor of the Prince of Nassau—Orange, then Stadtholder of the United Belgic Provinces, and had been built on an island, which in 1660 was still called Castle Island, now Rensselaer's Island. A few years later, in 1618, high water and ice injured the fort so much, that it was thought best to remove from Castle Island to the mainland at Norman's kill, where the first treaty with the Mohawks was made. The map of Rensselaerswyck, made in 1630 and preserved among the records of the Van Rensselaer Manor, tells us, that at a later date the fort, then called Fort Orange, stood about where "Steam Boat Square" now is. From the above mentioned map of 1616, we learn, that the first fort was a "redoute" of fifty-eight feet square, surrounded by a moat of eighteen feet width. The house in the fort

* A certified fac simile copy of it is in the State Library at Albany.

was thirty-six feet long by twenty-six feet width, and the garrison consisted of twelve Dutch soldiers. The armament of this stronghold consisted of two cannons and eleven swivel guns, throwing stones, for want of better projectiles.

We know nothing of the life led in this wilderness by the first arrivals. But in 1683 an old French woman, Cateline Trico, of Paris, then in her eightieth year, deposed that she had come to Fort Orange, when twenty years old, in the ship "Unity," the first vessel sent out by the lately chartered West India Company. After having sent part of his people to Fort Hope, now Hartford, Conn., and to the Delaware, the commander of the expedition, Arien Jorise, sailed up the "Great River of the Prince Mauritius," and landed eighteen families, the balance of the emigrants, at Nassau, as it was still occasionally called. These new arrivals could not all find shelter in the fort and were, therefore, compelled to build huts of bark; probably in a manner learnt from the Indians, who soon flocked to the settlement, intent to trade and make a covenant of friendship with the commander.

The charter of the West India Company, given in 1621, required them "to advance the peopling of those fruitful and unsettled parts." Little seems to have been done towards this end until 1627–8, at which time the trade with the Indians threatened to become unprofitable. The directors of the Company then took into consideration a plan by which, through more extended colonization, they might derive other benefits from their Province, than those accruing from the fur trade alone. Their deliberations resulted in a new "charter of freedoms and exemptions," which received the sanction of the States General in 1629. This new charter provided for the introduction upon New York soil of the feudal system of land tenure, already in vogue in Canada. While the matter of this new charter was still being discussed, several of the directors took advantage of their position and secured for themselves a share of the new privileges by purchasing from the Indians (as the charter

required) the most conveniently located and fertile tracts of land. Among these tracts was the present county of Albany.

The proviso of the charter, requiring the purchase of the land from the Indians, is a prominent and important feature in the history of the Dutch occupation. It said, "Whosoever shall settle any colony * * * shall be obliged to satisfy the Indians for the land they shall settle upon." How different from the Massachusetts statute of 1633, which confirmed to the Indians the little patches of land around their wigwams, where they raised their corn and beans, and which declared on the authority of chapter 1, Genesis, and "the invitation of the Indians, the rest of the land to be the property of the whites." Persecuted by Spain and France for their religious convictions, the Dutch had learned to tolerate the superstitions and even repugnant beliefs of others. Not less religious than the Puritans of New England, though actuated by a policy based upon Christian virtue, commercial morality and the true ethics of civilization, the Dutch set up no religious pretexts for tyranny and cruelty to the aboriginal owners of the soil, such as mar the records of our Eastern neighbors. They treated the Indians as a man with rights of liberty, life, opinion and property like their own. The strict adherence to this policy ensured to the settlers at Fort Orange and Rensselaerswyck a freedom from Indian warfare not enjoyed by their English neighbors. Fort Orange was in the country of the Five Nations, whom Jesuit missionaries, living among them, called the most enlightened, but also the most intractable and ferocious of all the Indians. They had first met the French about the time of Hudson's arrival in these parts. Hudson introduced them to "fire-water," the French, under Champlain, to "fire arms." They liked the former and more insidious, destructive weapon of civilization better than the latter, and transferred their liking to the introducer. Hence they always remained friends of the Dutch and enemies of the French.

Fort Orange with Beverwyck.

The history of the settlements out of which Albany grew diverges so much, although closely interwoven, that it is necessary to devote one part of this chapter to the Company's settlement, Fort Orange with the village of Beverwyck growing up around it, and the other to the Patroon's colony, Rensselaerswyck.

Fort Orange had, in 1623, been removed from the Norman's kill to the place mentioned above. The dimensions of this last fortification, erected by the Dutch in this locality, have not been handed down to us. But we may suppose that the stockade, put up for its defense, covered more ground than the first. For we know that Wouter van Twiller, while Governor or Director-General of the Province, had caused to be built in the fort "a handsome large house with a flat roof and trestlework, also eight small houses for the soldiers." The record says, the small houses were "*voort Volck*;" including evidently, in the term "volck, or soldiers," all the servants of the Company.

The location, close to the river, was not a favorable one. Though it gave to the occupants a quick chance of escape by water, if pressed by a superior force of enemies, a consideration of moment under the circumstances, perhaps; yet it also exposed the structure to the ravages of that same river, as our fellow-citizens of to-day living in that vicinity can testify. A freshet in 1648 having nearly carried away Fort Orange, the Director-General, Stuyvesant, with his Council of New Netherland, resolved that for the maintenance of the Company's jurisdiction and territory it was highly necessary to repair the injury. The West India Company and its representatives on New York soil were not financially able to foot the bills. So the Director and Council concluded to allow "any decent inhabitant of New Netherland" to build a house in the fort twelve feet high and of stone, such as the former Director, Keift, had allowed to be erected. The soil occupied by such building

to remain the Company's property, and if the owner of the house wished to sell the building, the Company was to have the preference.

In order that to-day we should fully understand how a *fort* could be destroyed by the waters of the placid Hudson it is necessary to remember that Father Isaac Joques, a Jesuit missionary among the Mohawks, saw this fort in 1643, and described it as "a miserable little fort built of logs." Brant von Slechtenhorst, the Manager of the Patroon's colony, says of it, shortly after the above resolution of director and council, "So far as regards the renowned fort, men can go in and out of it by night as well as by day." He continues, that "he had been more than six months in the colony and the nearest resident to the fort, and yet had never been able to discover a single person carrying a sword, a musket or a pike, nor had he heard or seen a drum beat, except when the Director-General himself visited it with his soldiers."

To the military man of to-day, especially if he has served in the Indian territories of the United States, such a fort with such a garrison must appear ridiculous and useless. Yet it has for us a wide-reaching signification. The following account of the Indians, with whom he and his countrymen came in contact, is given us by David Pieterson de Vries, "Ordnance-Master of the Most Noble Lords, the Committed Council of the States of West Friesland and the North Quarter." He had traveled extensively in the then known parts of the now United States, and says of the Mohawks: "'Though they are so revengeful towards their enemies, they are very friendly to us. We have no fear of them."

The above account of De Vries, who had been here shortly after the purchase and beginning of Rensselaerswyck, is confirmed by the first clergyman called to preach the Word to his countrymen on Albany soil, and who was, if possible, to convert the Indians to Christianity. "We live," he says, "among both kinds of the Indians (Mohawks

and Mohicans), and coming to us from their country or we going to them, they do us every act of friendship." Need we wonder that the people of Fort Orange felt safe from Indian attacks, knowing full well that they had nothing to fear from the more distant French, so long as the Mohawks, their neighbors, had not become the allies of the Canadians.

After the freshet of 1648 had so injured the fort, and after the Governor had fallen upon the strange expedient of having it repaired by private enterprise, he seems to have changed his mind and directed that these needed repairs should be made by the representative of the Company. It was to be "put into a proper state of defense," and the annual expenses of repairing were to be deminished, by building a stone wall around it, instead of the previous wooden pallisades. The result of this order was the widening of the breach between the Company and the agent of the Patroon, already opened by the attempt of the latter to build a house under the walls of the fort. Van Slechtenhorst, the agent, forbade, "in an imperious manner," the digging of stones or cutting of trees, and urged the people living in the neighborhood not to do any carting for the Company. From this time, we may suppose, that a village—Beverwyck—was formed around Fort Orange, under the jurisdiction of the Company, which the Director-General and Council asserted to extend in a half circle at the distance of a pistol or a *goteling** shot, in another place it is said 1,000 rods, around the fort. The name of Beverwyck is not found before 1652, but then we learn that it had already, in conjunction with Fort Orange, an "inferior bench of justice," a court, authorized to take cognizance of cases, such as would now come before a court of sessions. The three judges sitting on this "inferior bench," were nominated by the inhabitants to the Director-General and Council, two names being selected for each position, and from these the Governor appointed the three thought to be the most fitting men. As

* Or paterero, from the Spanish "pedrero," a swivel-gun.

they were people who had to earn their living by farming, by trade or by day-labor, they were authorized in May, 1654, to pay to themselves out of the revenues from taxes and excise on beer, wine and liquor, the munificent sum of 150 florins, or $60, yearly.

In the year 1654, Beverwyck is mentioned as one of the places, which with money raised by the taxation of land, had to assist the government of the Province in bearing the increased expenses, caused by the then raging war between Holland and England. Houses and lots granted for building purposes, were to pay the hundredth penny of the real value. A member of the Provincial Council and two impartial persons from the court of the village were to make the valuation. The vacant lots were ordered to be sold, in case the present owners neglected or refused to erect buildings on them. The village, which was to be one of the corner-stones of Albany, had evolved from the obscurity of a backwoods settlement to the prominence of a factor in the life of the Colony. With the neighboring Rensselaerswyck, the other corner-stone, it could show to have the means for religious and school education: an element in their lives, which the Dutch never forgot to carry, where they intended to make permanent settlements. This is a point, which has never been thoroughly recognized. Prince John of Nassau, the brother of William the Silent, the Stadholder of the Netherlands, had recommended as early as 1582, that the States General should establish free schools, where children of wealthy and of poor families, for a very small sum, could be well and Christianly educated and brought up. "This," he says, "would be the greatest and most useful work you could ever accomplish for God and Christianity and for the Netherlands themselves." There the Puritans, who settled in New England, learned the blessings of popular educations, which according to many a writer is the invention of New England spirit. Our great historian, Motley, in a letter to the St. Nicholas Society of New York, points out that the

New England colonists gained their educational impulses more from the Netherlands than from their own country. Another eminent American writer says on this point: "Education came with them [the Dutch]; the free schools, in which Holland had led the van of the world, being early transplanted to these shores."

Rensselaerswyck.

On the 13th day of August, 1630, the Director and Council of New Netherland signed for Kilian van Rensselaer the deed by which the Indians transferred the land on part of which Albany has been built, for and in consideration of "certain parcels of goods." The failure to exclude from this conveyance the territory on which Fort Orange proper and the huts of previous settlers stood, led to endless quarreling between the owners of Rensselaerswyck and the officers of the West India Company, who, no doubt, in like manner had acquired their land from the Indians by purchase. The Patroon, Kilian van Rensselaer, was not the sole purchaser of this tract of land; he represented one of the several associations formed under the new charter, and held two shares of their common stock; De Laet, the historian, one; Godyn, one, and Blommaert with associates, the remaining fifth. By proceedings in partition before the Court of Holland, in 1650, it was decided that he or his successors should account for the rents and profits, and pay to the partners or their heirs their just quota. Under this judgment Mrs. Johanna Ebbingh, the daughter of De Laet, who had come to New Netherland with her first husband, Johannes de Hulter, received $2,304.00 for her share, including the "Weyland" or pasture, between the third or Rutten and the fourth or Fox creeks. Blommaert's share was $1,440.00. His land adjoined the De Laet lot on the north, and reached from Fox hill (Columbia street of to-day) to Patroon's creek. Godyn's share was beyond the present city limits, and therefore does not concern us here.

These were the foundations, to which, on the 22d of July, 1686 (old style), or 2d of August (new or present style), Governor Dongan granted a municipal charter as a city.

Kilian van Rensselaer and his associate had purchased, through their agent, the territory, afterwards known as the Manor of Rensselaerswyck, on part of which our city now stands. This was done on the 8th of April and 28th of July, 1630. In the same year, but in the month of February, the said agent paid to Gillis van Schendel, for "one map on parchment (still preserved in the records of the Manor), and four ditto on paper, of the islands and other tillage grounds situate in the Colony," the sum of fifteen florins, or $6.00. This map tells us that Godyn's Burg had already been erected, in 1630, in the southern part of the present city, near Cherry Hill. Bloemmert's Burg stood in the northern part, above the Manor House. The population of the Colony numbered at that date about thirty to forty people, sent over at the expense of the directors of the Colony. They had early discovered that the emigration agents best fitted to induce others to emigrate to a foreign land, were emigrants who had gone before and done well in their new home. Some of the first arrivals came as paid servants or emyloyés of the directors, others to take up land under leases. Very little objection can be made to the stipulations of the first leases on the ground of feudal characteristics. Later, when English customs had come to supplant the simplicity of the Dutch, we find leases which had the tendency of introducing European feudalism on American soil. To understand the difference, copies of some are given here:

"This day, the 7th of September, 1646, the presiding officers of the Colony of Rensselaerswyck, on one side, and Thomas Chambers* on the other, have agreed and consented about a certain parcel of land, lying opposite the bouwerie, called the Flat, on the east bank of the river,

* Afterwards prominent in the settlement of Kingston.

between the two kills, which land he, Thomas Chambers, shall occupy as a bouwerie for the term of five successive years, commencing the 15th of November, anno 1647, on the following conditions:

"Thomas Chambers shall build, free of all cost and charges and without claiming a penny in return from the Patroon, at his own expense, a farm house [dimensions of this and other buildings given.] On condition of receiving two mares and two stallions, and, moreover, two milch cows, the increase being on halves, * * * the rest is also half and half, except such as Indians may kill, which shall be at the sole risk of the Patroon, on sufficient proof being brought thereof. * * * * * From the summer sowing of 1647 he shall give the tenths, and then be quit. The last seed which he shall plant in the bouwerie he is at liberty to thrash without payment. * * * * The risk of the houses, barns and fences remains at the charge of Thomas Chambers. * * * * And the said houses, barns and fences shall be the Patroon's rent for the aforesaid five years.

"In case it should happen, which God forbid, that war should break out between us and the Indians, and Thomas be obliged to fly from the bouwerie, the time that he shall be absent shall be allowed him and his time begin again from the date of his return.

* * * * * * * * *

"Thomas Chambers shall yearly pay, as an acknowledgment, twenty-five pounds of butter during his lease. He shall make use of his pasture above and below the bouwerie without let or hindrance.

"Their worships agree that he, Thomas, at the expiration of the above five successive years, shall cultivate the said bouwerie still three years more, provided he pay in addition to the tenths five hundred guilders yearly from the produce of the said bouwerie."

Another early lease reads:

"We, the guardians of Jean van Rensselaer, esq., have

leased and farmed unto Arent van Curler,† * * * * under the following conditions, the bouwerie named the Flat, and the hereafter mentioned appurtenances for the term of six successive years:

I. The Patroon retains for himself the tenths of all grain, fruits and products which shall be raised off the bouwerie.

II. This bouwerie contains * * * morgens, etc.

III. The lessee shall be entitled to so much pasture as he shall require for his cattle without paying any extra rent further than only one guilder for every swine ranging in the woods.

IV. For the cultivation of the said bouwerie there shall be delivered to him for his use six cows, two heifers, six mares and two stallions or oxen * * * and that on halves, that is to say, one-half of the increase shall be for the Patroon and the other half for the lessee.

V. * * * * * * * *

VI. For the use of which bouwerie and occupancy of the house, the lessee shall pay yearly to the Patroon the sum of five hundred guilders, but for the first year a deduction of one hundred and fifty guilders shall be made, because he conveys his laborers thither at his own expense.

VII. The lessee shall be obliged to keep the house and buildings on the bouwerie in good repairs. * * * *

VIII. The lessee is to cut oak or fir for the Patroon and haul it to the river; also every year give three days' services to the Patroon with wagon and horses, and further deliver yearly to the director of the colony two bushels of wheat, twenty-five pounds of butter and two pair of fowls.

The leases, made in English times, were different and imposed heavy burdens on the tenants as the following shows:

THIS INDENTURE, made the day of one thousand between proprietor of the Manor of Rensselaerwyck, in the counties of Albany

† One of the founders of Schenectady.

of the first part, and
of the second part, witnesseth, that the said
for and in consideration of the yearly rents, covenants and conditions hereinafter contained, on the part of the said part of the second part, heirs, executors and administrators, to be paid, kept and performed, hath granted, bargained, sold, remised, released and confirmed, and by these presents doth grant, bargain, sell, remise and confirm, unto the said part of the second part, and to heirs and assigns, all that farm, piece or parcel of land, situate, lying and being in the town of
in the county of within the said Monor of Rensselaerwyck

Excepted always and reserved out of this present grant, unto the said , his heirs and assigns, all mines and minerals that now are, or hereafter may be found in and upon the said farm, piece or parcel of land; and also all creeks, kills, streams and runs of water in and upon the said premises, together with the soil under the water; and the right, privilege and liberty of erecting upon any part of the said hereby granted premises, such and so many mills and milldams, and such other works and buildings, for the convenient working of the said mines, and for the use of the said mills as he, the said , his heirs and assigns, shall and may think proper: And also all such part of the said land as may, by the said dams be overflowed with water; and also all such wood, fire-wood and timber as the said , his heirs and assigns, may find necessary for building, repairing and accommodating the said mills, and for working and carrying on the said mines; and also free liberty to dig, trench or use the ground for either of the said purposes: and also free ingress, egress and regress, way and passage, with his or their horses, cattle,

carriages and servants, to, from, in and out of the said hereby granted premises; together with liberty to lay out roads in any part or parts thereof, for the purposes aforesaid: The said , his heirs and assigns, making such abatement for the land occupied or employed for all or any of the purposes aforesaid, in and out of the rent hereinafter reserved as shall be judged reasonable and proportionate to the rent of the whole, by any two indifferent persons, (one of whom to be chosen by the said , his heirs or assigns, and the other by the said part of the second part, heirs or assigns,) or by such third persons as the said two persons in case of disagreement between them, shall choose for umpire: To have and to hold the said farm, piece or parcel of land, with all the appurtenances, (except as hereinbefore excepted,) unto the said part of the second part, heirs and assigns, to the only proper use and behoof of the said part of the second part, his heirs and and assigns forever: Yielding and paying therefor, yearly and every year, during the continuance of this grant unto the said , his heirs and assigns, the yearly rent of of good clean merchantable winter wheat,

in and upon the day of in each year; and the said part of the second part, for heirs, administrators, executors and assigns, do covenant, grant and agree to and with the said , his heirs and assigns, that the said part of the second part, heirs, executors, administrators and assigns, will from time to time well and truly pay or cause to be paid unto the said , his heirs and assigns, the yearly rent above reserved, at the days and times and in manner aforesaid; and will also well and truly discharge and pay all taxes, charges and assessments, ordinary and extraordinary, taxed, charged or assessed, and which may be hereafter taxed, charged or assessed to or upon the said hereby

granted premises or upon any part or parcel thereof, or upon the said , his heirs, executors, administrators or assigns, by any act of the Legislature, or by county rates or otherwise howsoever, for or in respect of the said premises or any part thereof, and indemnify the said , his heirs, executors administrators and assigns, of, from and against any damages, costs and charges which he or they, or any of them may sustain or be put to by reason of any neglect in the due and punctual discharge and payment of the said taxes, charges and assessments: And the said doth hereby further save and reserve unto himself, his heirs and assigns, the one equal part of all purchase or consideration moneys, or other things in lieu thereof, arising or that may arise by or from the selling, demising, assigning, or any how disposing of the premises hereby granted, or any part thereof, other than dispositions by devise and last will and testament by the said part of the second part, heirs, executors, administrators or assigns; and when and as often as the same shall be sold, demised, assigned or otherwise disposed of, other than dispositions by devise and last will and testament as aforesaid: And the said part of the second part, heirs, executors, administrators and assigns, do covenant, grant and agree to and with the said , his heirs and assigns, that he and they will well and truly pay or deliver unto the said , his heirs or assigns, the said one equal part of the said moneys or other things in lieu thereof, arising or which may arise by, from or out of every such sale, demise, assignment or other disposition aforesaid, other than dispositions by devise and last will and testament as aforesaid; and further, that prior to any such sale, demise, assignment or other disposition aforesaid, other than dispositions by devise and last will and testament as aforesaid, the said part of the second part, heirs or assigns, shall and will make an offer in writing unto the said , his heirs or assigns, of the said premises, or of such part thereof, and for such estate therein, as the said

part of the second part, heirs, or assigns, shall intend to dispose of, specifying the same, and the price, value or consideration which the said part of the second part heirs or assigns, is or are willing to take for the same; and if the said , his heirs or assigns, on his or their part, shall within twenty-one days after such offer made as aforesaid, agree to take and accept the said premises, or the part thereof so offered at the price, value or consideration specified in such offer, and shall within the same twenty-one days pay or deliver such price, value or consideration, (after deducting thereout the said one equal part thereof,) and the arrears of rent (if any there be) unto the said part of the second part heirs or assigns: then and in such case the said part of the second part, heirs or assigns, shall and will forthwith, after such payment or delivery made, well and sufficiently convey and assure unto the said , his heirs or assigns, the said premises or the part thereof so offered, and for such estate therein as shall have been in that behalf specified: Provided always, that if the said , his heirs or assigns, shall not within the said twenty-one days for that purpose limited, agree to take and accept the said premises or the part thereof so offered as aforesaid, at such price, value or consideration as aforesaid, and shall not within the same twenty-one days pay or deliver such price, value or consideration (after such deduction thereout as aforesaid) unto the said part of the scond part, heirs or assigns, then it shall be lawful for the said part of the second part heirs or assigns, to sell, demise, assign, or otherwise dispose of the said premises or the part thereof so offered, unto any person or persons whomsoever: Provided nevertheless, and these presents are upon this express condition, that every sale, demise, assignment or other disposition, other than dispositions by devise or last will and testament as aforesaid, of the said premises hereby granted, or any part thereof, by the said part of the second part,

heirs or assigns, to any person or persons other than to the said , his heirs or assigns, or other than by process or compulsion of law, for the consideration of money or other things in lieu thereof, shall be utterly void and of no effect in law or equity, unless such offer thereof shall have been made and not accepted and complied with as aforesaid, and unless the said part of the second part, heirs or assigns, or the person or persons to whom such sale, assignment or other disposition shall have been made, except dispositions by devise or last will and testament as aforesaid, shall, within twenty-one days thereafter well and truly pay or deliver unto the said , his heirs or assigns, the said one equal part of the said price, value or consideration, for which the said premises, or any part thereof, as the case may be, shall have been offered to the said , his heirs or assigns, together with all arrears of rent which may be then due: Provided further, and these presents are upon this further condition, that every sale of the said premises, or any part thereof, by process of law against the said part of the second part, heirs, executors, administrators or assigns, shall also be void and of no effect, unless the purchaser or purchasers thereof shall, within twenty-one days after such sale, pay unto the said , his heirs or assigns, a sum of money equal to one part of the sum for which the said premises or the part thereof so sold, shall be struck off or sold by virtue of such process, to the said purchaser or purchasers.

Provided also, and these presents are upon this further condition, that the said part of the second part, heirs or assigns, shall not, at any time hereafter, erect, or permit or cause to be erected any mill or mill-dam, or any other work or building whatsoever, upon any kill, creek, stream or run of water, in or upon the premises hereby granted; and further, shall not, at any time hereafter, commit any waste of any kind or nature whatso-

ever: And the said part of the second part, for heirs, executors, administrators and assigns, do covenant, grant and agree, to and with the said , his heirs and assigns, that neither the said part of the second part, nor heirs or assigns, shall or will give or cause to be given, any manner of let, hindrance or obstruction whatsoever, to the said , his heirs or assigns, to the prejudice of any or either of them in the full enjoyment of all the rights, titles, privileges and easements, saved, reserved and excepted unto the said , his heirs and assigns, by the savings, reservations and exceptions in these presents contained: And the said for himself, his heirs and assigns, doth hereby covenant, grant and agree, to and with the said part of the second part, heirs and assigns, that he, they and each of them, paying the rents aforesaid, and performing, fulfilling and keeping all and singular the covenants, conditions and agreements herein contained, on his, their and each of their parts, to be performed, fulfilled and kept, shall and may lawfully, peaceably and quietly have, hold, possess, occupy and enjoy the premises hereby conveyed, and every part thereof, with the appurtenances, (except as before excepted) unto the said part of the second part, heirs and assigns, without any suit, trouble, eviction, hindrance, interruption or disturbance, of, by or from the said , or of, by or from any person or persons whomsoever lawfully claiming or to claim, by, from or under him, the said ; and that he the said , and his heirs, shall and will hereby Warrant and Defend, the said premises, to the said part of the second part, heirs and assigns, against any person or persons lawfully claiming the same. Provided always, nevertheless, that if it shall so happen that the rent above reserved, or any part thereof, shall be behind and unpaid by and for the space of twenty-eight days next after the said days of payment, that then, and in every such case, it shall and may be lawful to and for the

said , his heirs and assigns, or any of them, at the option of the said , his heirs or assigns, either to prosecute for the recovery of the same, in some court of record, or in person, or by his or their servant or servants, bailiff or bailiffs, into the whole or any part of the premises to enter, and there to distrain, and the distress so taken, to lead, drive and carry away, and the same to expose to sale at public vendue, and out of the moneys therefrom arising to deduct the rent then due and in arrear, together with the costs and charges of distress and sale, and to return the overplus, if any there be, unto the said part of the second part, heirs and assigns: *And provided further*, and these presents and every thing herein contained are upon this express condition, that if it should at any time happen, that no sufficient distress can be found upon the premises, to satisfy such rent due and in arrear as aforesaid, or if either of the covenants and conditions herein before contained, on the part of the said part of the second part, heirs and assigns, to be performed, fulfilled and kept, shall not be performed, fulfilled and kept, or shall be broken, then and in each, and every such case, and from thenceforth and at all times thereafter, it shall be lawful to and for the said , his heirs and assigns, or any of them, into the whole of the hereby granted premises, or into any part thereof, in the name of the whole, to re-enter, and the same, as in his and their former estate, to have again, re-possess and enjoy; and the said part of the second part, heirs and assigns and all others, thereout and from thence utterly to expel, put out and amove; This Indenture, or any thing herein contained to the contrary hereof, in any wise, notwithstanding. In witness whereof, the parties hereunto their hands and seals have subscribed and set, the day and year first above written.

Sealed and delivered, in the presence } L. S.

L. S.

Reservation of the Extra Rent Instead of the Quarter Sales.

Provided always, that if the said , his heirs or assigns, shall not within the same twenty-one days, for that purpose limited, agree to take and accept the said premises, or the part thereof so offered as aforesaid, at such price, value or consideration, as aforesaid, and shall not within the said twenty-one days, pay or deliver such price, value or consideration, as aforesaid, after deducting thereout as aforesaid, unto the part of the second part heirs or assigns; then and in that case, the said part of the second part, for , heirs, executors, administrators and assigns, do covenant and agree, to and with the said , his heirs and assigns, that the said part of the second part heirs, executors, administrators or assigns, or some or one of them, shall immediately pay or cause to be paid unto the said , his heirs or assigns, all the arrears of rent then due; and also, in addition thereto, a sum of money equal to the amount of one year's rent; which sum of money last mentioned, shall be exclusive of and over and above the yearly rent hereby reserved, and the arrears of rent then due, and not in satisfaction of such arrears of rent or any rent thereafter to become due; and such arrears of rent and sum of money being so paid, when and as often as the said premises or any part thereof shall be so sold. assigned or disposed of, in manner aforesaid, it shall then and not before, be lawful for the said part of the second part, heirs or assigns, to sell, demise, assign, or otherwise dispose of the said premises, or the part thereof so offered, unto any person or persons whatsoever. Provided, nevertheless, and these presents are upon this express condition, that every sale, demise, assignment or other disposition whatsoever, other than dispositions by devise or last will and testament, and other than sales or dispositions by process or compulsion of law for debts con-

tracted without intention to forego the payment of the said one year's rent, of the premises hereby granted or any part thereof, by the said part of the second part heirs and assigns, to any person or persons, other than to the , his heirs and assigns, or to any of them, shall be utterly void and of none effect; and the premises so sold or assigned, shall revert to and become the property of, and be immediately thereafter vested in the said , his heirs or assigns, unless such offer shall have been made and not complied with as aforesaid; and unless the said part of the second part heirs, executors, administrators or assigns, shall have paid such arrears of rent and sum of moneys as aforesaid, and unless also his heirs, executors, administrators, or assigns, or the person or persons purchasing the said premises or any part thereof, shall within twenty-one days after every such sale, demise, assignment or other disposition, so to be made, except dispositions by devise or last will and testament as aforesaid, and except also sales or dispositions by process or compulsion of law as aforesaid, cause the same to be recorded in the office of the said , his heirs or assigns.

With the increase of population in the Colony, the value of land rose and the conditions of these leasehold-tenures became so oppressive that disturbances of a serious character broke out in 1757. These troubles of 1757 were the forerunners of the anti-rent war of our times, which many a reader may recollect, and in which they may have taken a part on one side or the other. To the unbiassed mind the occurrences then witnessed are somewhat of a puzzle. The tenants being men whom we must suppose endowed with some intelligence, entered into the leases and knowingly took upon themselves obligations which their self-respect ought to have told them they must live up to under any circumstances. The condition of the country required that these leases should be for a long term, for had the landlords of that day endeavored to let their lands for from one to ten years they could hardly

have found tenants for the uncultivated portions. But they were willing to part with it forever in consideration of a very low rent, giving the land free from any dues for the first five to eight years and relieving the tenant from the care of finding a purchaser for the produce by agreeing to take it in lieu of money. If there had been an objection to these terms, how is it then that the lessees came into them with eagerness instead of going outside of the boundaries of the Manor and settling upon wild lands purchased from the Indians?

"In 1789, the constitution of the United States went into operation; New York being a party to its creation and conditions. By that constitution, the State deliberately deprived itself of the power to touch the covenants of these leases, without conceding the power to any other government; unless it might be through a change of the constitution itself. As a necessary consequence, these leases, in a legal sense, belong to the institutions of New York, instead of being opposed to them. Not only is the spirit of the institutions in harmony with these leases, but so is the latter also. Men must draw a distinction between the "spirit of the institutions" and their own "spirits;" the latter being often nothing more than a stomach that is not easily satisfied. It would be just as true to affirm that domestic slavery is opposed to the institutions of the United States, as to say the same of these leases. It would be just as rational to maintain, because A does not choose to make an associate of B, that he is acting in opposition to the "spirit of the institutions," inasmuch as the Declaration of Independence advances the dogma that men are born equal, as it is to say it is opposed to the same spirit for B to pay rent to A according to his covenant."

So writes an actor and eyewitness of the occurrences of 1846.

The public generally, but more especially the lawyers of the country know what effect these anti-rent troubles had upon the politics of the State and of the United States. They might be called a foretaste of the anarchism of which we suffer to-day.

HONESTY IS THE BEST POLICY.

As already stated, the "Freedoms and Exemptions" granted by the West India Company to all Patroons, Masters and Private Persons who intended to plant colonies in New Netherland, on the 7th of June, 1629, contained the following paragraph: "Whosoever shall settle any colony out of the limits of Manhattan Island, shall be obliged to satisfy the Indians for the land they shall settle upon."

This rule was obeyed in the settlement of Albany, as in all other cases, and as the Mohawks had made their first treaty with the Dutch at an early date near the present site of Albany, this place having been fairly purchased from them, it continued to be one for which they always cherished friendly feelings. We may safely assume, that the social and political system, then in vogue among the first settlers, attracted the Indians because of its similarity to their own. An eminent American writer, whose family is now numbered among the inhabitants of Albany, says in regard to this point: "In all the tribes of this part of North America something very like a principle of democracy was the predominant feature of their politics. It was not, however, that bastard democracy which is coming so much in fashion among ourselves, and which looks into the gutters solely for the "people." * * * * The Indians understood, that the chiefs are entitled to more respect than the loafers in their villages. * * * While there was no positive hereditary rank, there was much hereditary considerations, and we doubt if a red man could be found who was so much of a simpleton as to cite among the qualifications of any man for a situation of trust and responsibility, that he had never been *taught* how to perform its duties."

History informs us, how truly democratic the Dutch people, like all others of the same race, had been from the earliest days of their political existence. Now it proved to be a bond of union between them and their red neighbors, and kept the latter always well inclined to their brethren at Albany, who to the Indians represented the government of New Netherland.

Another bond of union may appear fanciful. We know, that the "totem," the insignia of one family in all the tribes of the Five Nations, was the Tortoise or Turtle. We call this a sneaking and stupid reptile, whose insignificance seems to be its highest praise. The Indians saw in this animal "a poem of silent hate," and when they discovered that their new friends, the Dutch, were animated by a similar silent hate of the Latin race, and had learned (during the wars with Spain) to bear injuries and burdens, hard and heavy enough to crush any other organism, they likened them in their minds to the Turtle, and became bound to them by an unbreakable iron covenant-chain.

The men, who settled here at Fort Orange, had not come from their old homes in Europe for political reasons; they wanted to improve their small fortunes and amass wealth. This led them to trade with the Indians in goods, which injured the moral and bodily condition of the red race, or which might have been turned against the white settler with disastrous results. This was the trade in liquor and in firearms. Experience had taught the authorities that an indiscriminate distribution of these articles among the Indians might end in the complete destruction of the Colony. They adopted, and on the 31st of March, 1639, published an ordinance, forbidding "every inhabitant of New Netherland, be his state, quality or condition what it may, to sell any guns, powder or lead to the Indians, on pain of being punished by death." Another ordinance, of June 18, 1643, prohibits the sale of intoxicating liquors to the Indians, "whence serious difficulties had already arisen." These

ordinances had to be repeated; the one relating to the sale of liquors was frequently re-enacted at the request of Indian chiefs, who easily recognized the pernicious influences of the insinuating drink.

To prohibit the sale of liquor and fire-arms to the Indians must be called an act of self-protection, as was the ordinance of July 1, 1656, against admitting armed Indians into the villages and houses of the white settlers. But to show to the Indian, that he also was entitled to the protection suggested by law and fairness, an ordinance was passed, at an early date (May 9, 1640) of the Colony, which did not affect the Mohawks as much as the Indians around Kingston, New York and Long Island. This ordinance says:

"Whereas many complaints are daily made by the Indians, that their corn-hills are trampled under foot and uprooted by hogs and other cattle, and consequently great damage is done when the maize is growing, whence it will follow that the maize will be dear at the time of the harvest, and our good people suffer want, the Indians be incited to remove and to entertain feelings of hatred against our nation. * * * * Therefore, we, the Director and Council of New Netherland, hereby charge and command all our inhabitants, whose lands lie contiguous to Indian plantations, to take due care of their cattle and prevent them, by fences or otherwise, from damaging the corn of the Indians, on pain of making good the damage and of incurring the penalty, payable to the Fiscal, according to the edict on trespass of March 15, 1640."

One of the ordinances, relating to the intercourse with the Indians, distinctly says, that its prohibitory provisions should be communicated to the Indians, and it is very likely that this was the custom in regard to all such laws. We can well understand that the Indians, although uncivilized, could appreciate to its fullest extent a measure intended for the protection of their rights, and that in consequence their friendship for their white neighbors increased.

Having seen how the friendship of the Indians had been secured by the first settlers in these regions, we will endeavor to discover the benefits arising from this friendship.

Almost at the same time when Hudson ascended in his "Half Moon" the river now bearing his name, Champlain, at the head of a troop of Frenchmen, Algonquins and Hurons, met a war party of the Mohawks near Lake Champlain, where "he taught them the terrible power of firearms," and, by killing their chief, "the inappeasable detestation of the French race." To find the French on an amicable footing with Algonquins, Adirondacks and Hurons would have been sufficient to brand them as the enemies of the Mohawks, for these Northern tribes had been at war with the Iroquois since time immemorial in their simple annals. Added to this, the death of their chief warrior at the hand of the first Frenchman whom they met was another incentive to act constantly as a barrier against French attempts to pour in and take possession of the valley of the Hudson river. Actuated by this feeling of animosity against the French, they made the treaty with the Dutch at Fort Orange, and having some practical sense of the value and obligation of treaties they never violated it, but exerted themselves in behalf of their white allies as they would for themselves. The New Englanders had, during the whole period of the 17th century, to suffer from the nightmare and actual presence of "French and Indians" with the consequent midnight slaughter and conflagration, but the handful of Dutch, who unwittingly had taken possession of the key of this great continent, were protected against such horrors by the treaty made at Fort Orange. For the protecting shield of the Mohawk treaty was interposed not only between Fort Orange and the French in the North, but also held up before the Mohicans along the Hudson river, who interfered so barbarously in the settlement of Kingston and Ulster county.

Almost thirty years had passed since the first meeting between the French and the Mohawks on the banks of Lake Champlain, when it was the misfortune of the brave Jesuit missionary, Joques, to fall into the hands of the implacable Mohawks. He was treated with an exquisite cruelty, subjected to tortures, compared with which the treatment applied by his order and the inquisition to heretics was child's play. The news of this capture were imparted to Arent van Corlaer, then agent of Rensselaerswyck. He tried to ransom Joques and his companions in captivity, but the Mohawks told him, "We shall show you every kindness in our power, but on this subject you must be silent. Besides, you know well, how they treat our people when they fall into their hands." This answer is significant of their enmity to the French, for we must consider the position held by Van Corlaer (Curler) in the hearts of the Indians. He had been a prominent figure in the early councils of Fort Orange and Rensselaerswyck, and was drowned in 1667 in the Bay of Perou, Lake Champlain, while traveling towards Canada. Twenty years later, in September, 1688, at a conference between Sir Edmond Andros, then Governor of New York and the Five Nations, a Mohawk Sachem addressed the Governor as follows: "Corlaer, * * * for you were pleased to accept the name of a man that was of good dispositions and esteemed dear among us, to wit, the Old Corlaer."

"Corlaer" represented to the Indians power and strength, tempered by justice, and as the expression of it was to some extent the policy of the Dutch towards the red men, they gave this name of an early inhabitant of Fort Orange and Albany to the Governors of the Colony of New York. The name of another Albany man, the first mayor of the newly chartered city, replaced that of Corlaer shortly after the Leisler complications. Peter Schuyler, by the Indians called Quidor (Keedor), had become as staunch a friend of the Indians as Corlaer had been, and the influence he had over them is best

described by the beginning of a speech, made by a Mohawk Sachem at Albany in January, 1690: "Brethren," he said, "we must stick to our brother Quidor, and look on Onontio (the Governor of Canada) as our enemy, for he is a cheat * * * * Corlaer and Kinshon [that is fish or New England]! Courage, Courage! In the spring to Quebec, take that place and you will have your feet on the necks of the French and all their friends in America." The Governor of New York held among the Indians the title of "Quidor" almost as long as there were royal Governors in the Colony.

The English authorities comprehended, that to follow the policy of the Dutch was a necessity for them. Hence they endeavored by all means to preserve the friendship of the Five Nations during the whole colonial period. The records abound in the details of conferences between the governors of this and other English provinces on the continent and the Indians, all or nearly all, held here at Albany.

Early in September, 1664, the flag of the West India Company was hauled down, and an English banner hoisted in its stead. This change, very naturally, was a matter of profound interest to the neighboring Indians of the Five Nations. On the 24th of the same month representative Sachems of the Mohawks and Senecas met the English commander, Colonel George Cartwright, who had taken possession of Albany on behalf of the Duke of York. It was agreed, that the Indians should have "all such wares and commodities from the English for the future, as heretofore they had from the Dutch."

2. That if any English, Dutch or Indian (under the protection of the English) do any wrong, injury or violence to any of the Indians, in any sort whatever, if they complain to the Governor at New York, or to the Officer-in-Chief at Albany, if the person so offending can be discovered, that person shall receive condign punishment, and all due satisfaction shall be given; and the like shall be done for all other English plantations.

3. That if any Indian belonging to any of the Sachems (parties to this treaty) do any wrong, injury or damage to the English, Dutch or Indians under the protection of the English, if complaint be made to the Sachems, and the person be discovered who did the injury, then the person so offending shall be punished, and all just satisfaction shall be given to any of His Majesty's subjects in this Colony or other Plantations in America."

Very little ever disturbed the friendly relations between the English and their Indian neighbors in the Province of New York, for the English of New York, having seen how wise a policy it was, adopted that of the Dutch in never settling upon Indian lands unless they had by treaty or deed bought it first.

Two years after the above quoted first English-Indian treaty, the French Governor of Canada entered into a covenant of peace with the Five Nations, and within a week after signing it he writes to the Commissaries or Magistrates of Albany: "But as said Iroquois have always forfeited their word and made use of so many extraordinary cruelties, it would not be prudent to lose the opportunity of destroying them, when we have a considerable body of troops. Every time you shall seriously reflect on their conduct, I am persuaded you will be of the same opinion, since they fail not, after the obligations they owe us, to exercise many acts of hostility towards the people under our government."

Sir Edmond Andros, during whose term as Governor, King Philip's war disturbed the Eastern Colonies, had learned by this war that the Mohawks and their friends of the Five Nations were a powerful factor in colonial politics; hence he instructed the commissioners sent to Pemaquid, that, if any Mohawks should come to them, they should be received and used kindly, "*as at Albany*, giving them intelligence particularly of our friends as well as enemies." The Southern Colonies of Maryland, Virginia and Carolina were neither slow to recognize the important position which

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the Iroquois held on the continent. However, if the Governors of these Colonies desired peace with them, they had to come either in person or by deputies and negotiate a treaty here at Albany.

Albany was, in 1693, a little village of not more than 200 houses, even though it could boast of having a charter as a city. But, notwithstanding its insignificant territorial extent, the Governor of the Province had to admit that it had always been the ancient place of treaty, and when the Shawanees came from their villages on the Susquehannah in Pennsylvania to New York with the intention of making peace with this Province and the Indians depending on New York, he was obliged to refuse to hear them unless they went to Albany, and the Iroquois, their former enemies, were present at the interview.

The result of this wise Indian policy is best seen, by reading the words, used by the speaker of the Five Nations at a great meeting at Albany, on the 1st of October, 1696. "We have become a small people," he said, "and much lessened by the war. If the people of Virginia, Maryland, Pennsylvania, the Jerseys, Connecticut and New England, who have all put their hands to the covenant-chain will join with the inhabitants of this place, we are ready to go and root the French and all our enemies out of Canada. * * * The Tree of Safety and Welfare planted here, we confirm it. As the tree is planted here and confirmed, so we make fast all roots and branches of it, all the brethren of the Five Nations and the brethren of Virginia, Maryland, Pennsylvania, the Jerseys, New York, Connecticut and New England."

This speech shows the esteem, which the Indians had for Albany. They were then and until the end of French dominion in Canada the only barrier between the French and the Colonies east and south of the Connecticut river. If they ever had made a peace with the Governors under His Most Christian Majesty of France, as inviolable as they

made them here in Albany with the English Governors, nothing could have saved the city from the Fleur de Lys banner. If the French had been able to seduce the Iroquois from their allegiance to Quidor, in 1753, at the most critical period for the English Colonies, and if Albany with the valley of the Hudson river, had been part of the French dominion in 1775, the Eastern and Southern Commonwealths might have rebelled against the encroachments on liberty by the British Ministry to their hearts' content. They would have been "whipped in detail," like so many school-boys.

The Iroquois however never would allow them, to cut down the Tree of Safety and Welfare, planted, and extinguish the Council Fire, lighted in the ancient city of Albany.

COMING EVENTS CAST THEIR SHADOWS BEFORE.

It is not intended to claim for the Dutch nation, the inhabitants of the Low Lands at the mouth of the Rhine, commonly called the Netherlands, that they were the first to discover strength in the union of many weaker bodies, as the Greek poet, Aesopus, had demonstrated this truism centuries before in his well-known fable, but it is nevertheless significant, that of all the people of purely Teutonic origin, they were the first to put this theory to the test of practice. In 1581, they threw off the yoke of Philipp II, the Spanish "tyrant," who had made them suffer so much, and formed the Republic of the United Netherlands.

Indian war had induced the New England Colonies, in 1643, to join issues, with the object of "protection against the encroachments of the Dutch and the French, security against the tribes of savages," and to enjoy "the liberties of the gospel in purity and peace." Massachusetts, Plymouth Plantation, Connecticut and New Haven joined this confederation, from which they excluded Providence Plantation and Rhode Island, because the people of these settlements "ran a different course, both in their ministry and civil administration."

The General Court of Massachusetts issued in 1690 a call for a convention of colonial delegates, to decide upon measures for the invasion of Canada. The invitation of Jacob Leisler, the unfortunate self-appointed Lieutenant-Governor of New York, to meet in the city of New York, was accepted instead, and delegates from Massachusetts, Plymouth and New York met without settling any thing of importance.

Peter de la Noy, a man educated in the spirit of free Holland, although a Huguenot, born it the Province of New York, who had taken part in the meeting of 1690, saw, in 1695, that the safety of the English Colonies against the encroachment of the French in Canada depended very much on a federative union among them. In commenting on the administration of Governor Fletcher, of New York, he says: "I wish his Majesty would place a General Governor over New York, New England and the Jerseys, so as the Assemblys Courts of Judicature and Laws of the respective Colonies may remain and be kept separate. * * * * But a union under one Governor would be very convenient * * * * and a terrour to the French of Canada, who assume a boldness purely from our divisions into separate bodies and the piques that are too common amongst the several Governors, of which the French don't want a constant intelligence."

De la Noy had lived long enough to have seen the futile attempt of King James, who, in order to strengthen the Colonies and his hold upon them, had united all the Northern dependencies under one government. While serving as member of the General Assembly for New York city and county he had learned that New York Colony alone was not strong enough to defend the Hudson valley against the French, but needed the assistance of her eastern and southern neighbors; they, however, always excused themselves from sending aid on the plea that they were also exposed to the enemy's attacks. What was then really needed for the safety of all the British colonies was a military commander with power to call out, direct and station the forces levied by each Colony. The English Ministers of State, to whom De la Noy's letter of 1695 was probably addressed, recognized this necessity, and in a report to the King, made in 1696, recommended the appointment of a Captain-General over the Colonies from the Delaware to Maine, who should have the power of Governor of any one of them, while he

was present in it. Dissensions among the respective agents or representatives of the Colonies, in London, defeated this scheme. Massachusetts wanted that her Governor should also be civil chief magistrate of New York and New Hampshire, and General of all the forces in Massachusetts, New York, Connecticut, New Hampshire, Rhode Island and the Jerseys. Connecticut protested against this, as being too hard on the inhabitants and contrary to their charter. New Hampshire was a proprietary government, and the proprietor, who acted also as Governor by royal appointment, very naturally objected to being so summarily superseded. New York, being most exposed to the dangers of a French invasion, failed to see how in sending her troops to the more populous Massachusetts she could protect her own frontiers.

The King solved the difficulty by appointing, on the 16th of March, 1696–7, the Earl of Bellomont to be Governor of the Province of New York, Massachusetts Bay and New Hampshire, and to be Captain-General of all the forces there, and in Connecticut, Rhode Island and the Jerseys. Bellomont came " out " to his government with the best intentions, and might have succeeded in settling the distracting English and French difficulties, if death had not called him away within a few years. With his death the arbitrary, pragmatical union of these heterogeneous units came to an end. The New England Colonies of Massachusetts, Rhode Island and Connecticut had their peculiar charter. New York was a conquered Province; New Hampshire and the Jerseys were proprietary governments; hence the internal interests of all were widely divergent, while the people or their representatives failed to discern the benefits of a union and such concerted action of all against their common enemy at the North.

For this reason we need not wonder, that Penn's plan for a union of the Colonies in America elicited very little comment. He wanted all the Colonies, including the South as far as Carolina to " be made more useful to the Crown and

one another's peace and safety with an universal concurrence." The Colonies were to meet, by their deputies, once a year during the war and once in two years in times of peace, to debate and resolve such measures as are most advisable for their better understanding and the "public tranquillity and safety." Each Province was to send two representatives and a commissioner to be appointed by the Crown to preside at their deliberations. The place of meeting to be most centrally located, it was most likely, that New York would be chosen as meeting place, and therefore the Governor of New York was proposed as commissioner, whose powers in war times were to extend also over the military forces of all the Colonies. Tidings from England, that a measure was pending before the House of Lords for bringing all the proprietary governments, including Pennsylvania, under the Crown, led the great Quaker to return to England, and his scheme was never mentioned.

We have no right to assume that Penn, who, though a Quaker, was also a staunch Royalist, in devising this plan had any idea of its leading to a severance of the Colonies from the Crown. The threatning progress of the French among the Indians, located to the west of the English settlements made it *sine qua non* condition for the latter to meet the French with a bold and unbroken front from the St. Lawrence to the Ohio. Therefore we meet the matter recurring at stated intervals. Some ten to fifteen years after Penn had submitted his plan, in 1711, the Governors of the Colonies from the Jerseys north and eastward, met at New London, Conn. This congress acted only as a council of war, for being composed of the Governors, acting under royal instructions, they could not speak as representatives of the feeling of the settlers. This was claimed by the assemblies, especially the Assembly of New York, in which Albany county was then represented by Robert Livingston, Johannes Cuyler and Colonel Johannes Schuyler.

"A greater asserter of liberty," says Governor Hunter, of New York, speaking of the political condition of his Province, "one at least that understood it better that any of them, has said: That as national or independent empire is to be exercised by them, that have the proper balance of dominion in the nation, so provincial or dependent empire is not to be exercised by them that have ye balance of dominion in the Province; because that would bring ye government from provincial and dependent to national and independent. Which is a reflexion that deserves some consideration for ye sake of another from ye same person, to-wit: That ye Colonies were infants sucking their mother's breasts, but such as, if he was not mistaken, would wean themselves, when they came of age."

Politicians of to-day might agree as little with the foregoing assertion, as the politician of 1711 fancied, how true the closing sentiment would come during the same century.

In 1722 appeared in London "A Description of the English Province of Carolana, by the Spaniards called Florida, and by the French, Louisiana." The writer of it, was a man, who like Penn, had proprietary interests in the Colonies on the American Continent. His father, Daniel Coxe, M. D., of London, was one of the proprietors, and for some years Governor of West Jersey, where the son, Colonel Daniel Coxe, served as member of the Council, as Speaker of the Assembly and as Associate Justice of the Supreme Court of New Jersey. The book of Colonel Coxe is rather a crude performance, the lack of geographical knowledge displayed in it is absolutely startling, for the Mississippi river is placed within half a day's ride from the Pacific Ocean. But he may claim to have been the unconscious inventor of the United States, although generally Benjamin Franklin is credited with originating that plan here at Albany in 1754, as we shall see hereafter.

Coxe proposed, that for the more effectual defense of all the British Colonies against the French, they should become

one legal, regular and firm government, under a Supreme Governor, the Governors of the single Colonies remaining as his subordinates. The Council and Assembly of each Colony were to elect annually two deputies, nearly as United States Senators are elected to-day, whom the Governor-General had the power to convene, when necessary. They were to consult and advise for the general good of the Colonies, and to settle the quota of men and money needed for the common defense, from each Colony, while the Supreme Governor had the right to veto any of their acts, but could not enforce any ordinance without their consent.

"Let us consider," says Coxe, "the fall of our ancestors, and grow wise by their misfortune. If the ancient Britons had been united amongst themselves, the Romans, in all probability, had never become their masters; for as Cæsar observed of them: "*dum singuli pugnabant, universi vincebantur*," whilst they fought in separate bodies, the whole island was subdued. So if the English Colonies in America were consolidated as one body and joined in one common interest, as they are under one gracious sovereign, and with united forces were ready and willing to act in concert and assist each other, they would be better enabled to provide for and enable themselves against any troublesome neighbor or *bold invader*. For Union and Concord increase and establish strength and power, whilst Division and Discord have the contrary effect." In other words, "Eendraght maakt maght."

In making these recommendations, Coxe was by no means actuated by disinterested motives for the welfare of the Colonies, nor does he claim to be so. He declared himself to be, through his father, proprietor of the Province of Carolana, stretching westward from the western bounds of Carolina, and covering the present States of Georgia, Alabama, Mississippi and part of Louisiana, in the latter of which the French had begun to get a foothold and to make extensive

settlements. The British Colonies, with their military contingents united under one head, could have driven the French from Carolana, and this evidently was what Coxe desired.

The next move, intending, however, to checkmate any attempt at a union of the Colonies, had its origin in Albany matters. Johannes Cuyler, Evert Banker, Wessel Ten Broeck, Francis Salisbury and others, who were or had been justices of the city and county of Albany, were prosecuted by the then Attorney-General of the Province, Richard Bradley, in 1723 and 1724, on the plea of not having taken sufficient care of the county jail. They compromised the case by paying to Bradley £45, though he demanded a larger amount. He gave his receipt for the above sum, and then continued his persecutions of the justices for insufficiency had inherited from him the idea of a political union, for before the appearance of Coxe's little work, they represented to the King, George I, that to put a stop to a great many abuses and inconveniences, prevalent in his transatlantic possessions, he ought to appoint a Lord-Lieutenant or Captain-General to govern them all. George the First disliked the country whose crown he had been obliged to put on his head, and to expect from him that he should interest himself in dependencies of this country, so far across the ocean as the American Colonies, was to expect too much. Hence the recommendation of the Lords of Trade and Plantations in 1721, and Colonel Coxe's attempt to rouse by his publication general public sentiment, had no immediate result.

Doctor Coxe, the father of the author, had managed to interest King William and Lord Lonsdale in the Carolana Colony. We have no means of telling whether he had submitted the case to them under the same aspect of a confederation of the British Colonies in America, but it seems that the successors of Lord Lonsdale in his official position of the jail accomodations, finally driving his victims to petition the General Assembly for relief. The latter "found by the before-mentioned receipt that it was in full for the

Attorney-General's fees, and it being alleged that the said gaol has since been well amended, it seems to them that the present prosecutions proceed rather from a view to squeese some more money from the petitioners than from any just cause." The Assembly was, as we see, not friendly to the Attorney-General, who had vainly tried to obtain from the Province a fixed salary which his predecessor had enjoyed in addition to the fees allowed him.

These efforts bearing no fruits, and the remembrance of this rebuke and of a former one by the same Assembly, for what they considered a breach of parliamentary privilege, infuriated Attorney-General Bradley to such an extent that he sent to the Lords of Trade and Plantation a long representation against Assemblies of the Colonies, which he pretended must necessarily aim at independence from the Crown. He finds that most of the steps taken by a dependent Colony to render themselves independent at their pleasure are taken by the Assembly of New York. He had discovered that the Colonies had grown from infants at their mothers' breasts to full-grown boys, who made only indifferent use of the privileges granted to the suckling.

The increase of population in all the Colonies on the Western Continent, both English and French, showed to the statesmen of England the necessity of settling by force of arms the divergent claims of either, and the matter begun to be discussed in print about 1744. One of their "schemes" bore the title, "Some remarks on the most rational and effectual means that can be used in the present conjunction for the future security of the trade of Great Britain by protecting and advancing her settlements on the North Continent of America."

It is a curious coincidence, such as we often meet in the study of history, that the man, who as Royal Governor of New York, then opposed the plan of uniting the Colonies, belonged to the same family which gave to the *State* of New York its first Governor. Admiral George Clinton,

Governor of the Province of New York from 1743 to 1753, and Charles Clinton, father of General George Clinton, first Governor of the independent State of New York, both belonged to the family of the Earls of Lincoln, George Clinton addressing Charles as cousin.

The "scheme" above referred to had in view the appointment of a general officer to preside over the respective governments, who was to have the supreme command over the troops raised in the Colonies. The commissions of the respective Governors invested them also with the command of the troops of their Province. Clinton did not approve of a plan by which he himself was virtually superseded and reduced to a "sypher."

The state of affairs at that date on the continent ought to have taught the Admiral-Governor the lesson, that, by their united efforts, the Colonies could soon have relieved themselves from all anxieties caused by their neighbors, the French. It has already been said that the increase of population demanded a settlement of the contradictory territorial claims of both nations. The boundaries north and west had never been fixed. The English based their title to the western lands upon the various cessions made by the Indians, for they followed the policy inaugurated by the Dutch, of first "satisfying" the Indians for the land to be settled. Commissioners of Maryland and Virginia, Colonies where this New York, or better called Albany custom, was also a law, had bought for £400 in gold and Indian goods from the Iroquois "all the territory which is or by order of His Majesty shall be within the limits of the Colony of Virginia." The French, mistrusting these proceedings, lost no time in beginning hostilities. Canso, in Nova Scotia, fell quickly into their hands; but the soldiers captured there and allowed to go to Boston gave such reports regarding the fortifications of Louisburg, one of the most important points in the hands of the French, as to induce the Assembly of Massachusetts to send an army of nearly

4,000 men under Sir William Pepperell against the French. The great fortress was taken after a spirited attack of six weeks. Preparations were then made to invade Canada; but the ministry in England withdrew the Royal forces co-operating with the Provincials, as they did not desire to rouse the military spirit of the Colonies to a consciousness of its strength.

New York had been asked for assistance of men and money, and Governor Clinton endeavored to induce the Assembly to make an appropriation. In a speech to them, on the 18th of July, 1744, he says, referring to his meeting at Albany with commissioners from Massachusetts and Connecticut: "The commissioners from the Massachusetts government had full powers likewise for entering into a strict union and alliance with us and all the Colonies on the main, to concert and agree with them upon proper measures for their joint conduct in the war against the common enemy for our mutual advantage. I earnestly recommend it to you to provide supplies, the better to enable me to commissionate proper persons with like powers for this laudable end, that thereby such measures may be engaged in touching the conduct of the war in these parts, that His Majesty's *American* subjects may not only be safe in their possessions, but become a terror to his enemies."

But the Assembly would not listen to these entreaties. They resolved, *nem. con.*, "That as His Majesty has for some years been engaged in a war with the King of Spain, and is at present engaged in another with the French King, this House will provide ways and means for putting the Colony in such posture of defense as may on the one hand discourage an enemy to make attempts upon it by sea or land, and on the other excite our inhabitants cheerfully to exert their known resolution in making a vigorous defense, in case any such undertaking should be attempted." They had not a word to say of helping their neighbors, but passed without great effort bills to support the garrison at Oswego and

to fortify the city of Albany, at an expense of £450. This Assembly of twenty-seven members counted among them fourteen of Dutch descent, of whom Philip Schuyler and Peter Winne represented the city and county of Albany, Johan Baptist van Rensselaer sitting for the Manor; and they now repaid the sneers and assumed superiority with which New England then as to-day liked to look down upon New York as a Dutch Colony.

The treaty of Aix-la-Chapelle, in 1748, ended King George's war without adjusting the line of demarkation between French and English territories. In 1749, the Ohio Company, among whose members were Lawrence and Augustin Washington, obtained from the Crown a grant of 500,000 acres on the Ohio. Its object was trade with the Indians and cultivation of the land west of the Alleghanies, and by that means the settlement of the country by a people who acknowledged as sovereign the King of Great Britain, and not His Most Christian Majesty of France. In such a population the French of Canada saw an always insurmountable barrier between their Canadian and the Louisiana territory, and therefore this they were not disposed to allow. Their agents had already visited the valley of the Ohio, and had taken possession of it in the name of their King, making friends and allies of the Indians in that region. After erecting a fort at Presqu, Ile, which we call to-day Erie, Penn., they pushed forward to the Miami, susprised an English garrison there and terrorized the Indians. On behalf of the latter, belonging to the tribes of Shawanoes, Delawares, Piankashaws and others, the celebrated headman or Sachem, Half-King (Scarowjady*), went to remonstrate with the French commander, but without success. An expedition of the French in 1753,

* In the Dinwiddie Papers (Virginia Historical Collection, Vol. III), Half-King is called Tanacharison, a Senaca chief; while the New York Colonial Documents, VII, call him a Delaware of the above given name, whom the Dinwiddie Papers claim as Oneida.

although temporarily successful, did not entirely accomplish its ends. In December, 1753, Lieutenant-Governor De Lancey, then administering the government of the Colony of New York, was informed by Lieut. Holland, commanding Fort Oswego, that the greater part of the French army which had gone to Ohio during the previous summer, numbering 6,000 French and 500 Indians, had repassed his post; and further, that from two deserters he had learnt the fact that the French had been unable to accomplish their designs beyond making a few English prisoners, though they threatened next year to make a second attempt. The French army had besides suffered from sickness and had lost great numbers of their men from scurvy, an illness contracted through the badness of their provisions. The Indians to the southward had not only bid defiance to them, but forced from them provisions and brandy, a net result for the French, being the loss of many men by illness and the gain of two English prisoners.

The French interest was further seriously compromised by the capture and treatment of the two Englishmen, who were sent to Canada in irons, although the Governor of Canada had promised to his Indian allies not to molest the English.

Before De Lancey's report could reach England, he received directions from the Lords of Trades and Plantations to hold an interview with the Six Nations at Albany, although this place had become obnoxious to them. They reviewed the state of Indian affairs, and added that they think it best for his majesty's service that he should take the first opportunity of representing in the strongest terms to the Council and General Assembly the great importance to the Province of preserving the friendship and affections of the Indians whom Governor Clinton had managed to estrange, and the fatal consequences which must inevitably follow from a neglect of their friendship. He was furthermore instructed to impress upon the Assembly the necessity of joining him as well as supporting him in every measure con-

ducive to fix Indian loyalty to British interest. A speedy interview with the Indians was urged, as their present disposition demanded and as usage and custom required. The neighboring governments were to send commissioners to be joined with those of New York, and the Governors of Virginia, Maryland, Pennsylvania, New Jersey, New Hampshire and Massachusetts were also directed by the Lords of Trade to represent to their respective Assemblies the necessity of this measure. When the time and place of meeting had been settled, the Governors of the Colonies not written to directly were to be notified, and care was to be taken that all the Provinces were, if practicable, comprised in one general treaty, to be made in his Majesty's name.

This was the first seed sown for the Albany Congress and the Albany Plan of Union. Albanians take a pride in supposing that the scheme, upon which the United States were founded about forty years later, originated in their city, but this is the age of the ikonoklast, especially in history, under whose blows our idols are crumbling to powder, and however painful it may be, we must concede the precedence to Colonel Coxe, of New Jersey, whose little book has been mentioned before.

De Lancey, according to instructions, placed the matter before the Assembly, in which Captain Peter Winne, and Captain Petrus Douw, sat for Albany county, J. B. van Rensselaer representing the Manor, and had the satisfaction to receive, two days later, a resolution of the House, "That as soon as the season of the year will permit His Honor the Lieutenant-Governor to meet the Indian Nations at Albany to renew the ancient treaty with them, this House will make provision for the presents usually made them on such occasions, and also for the expenses of His Honour's voyage to Albany." Thereupon, "His Honour," with the advice and consent of the Council, was pleased to appoint, that the interview with the Indians be held at the city of Albany, on the 14th day of June following; that is, in 1754.

This date did not suit all the Governors, to whom it had been duly notified. Governor Dinwiddie, of Virginia, replied by a discussion of the subject of the French encroachments on the Ohio river, and of Major George Washington's fruitless interviews with the French commandant at the fort on the Ohio, M. de St. Pierre. He further stated, that he had ordered out for the present a detachment of the militia and hoped the Assembly of Virginia would enable him to take more vigorous measures; he also requested that the men, which New York was to furnish for mutual assistance in obedience to the orders from England, should be sent to Wills creek, at the head of the Potomac, early in March. But the consultation at Albany, he was sorry to say, came at an inconvenient time, for he had proposed to meet the Six Nations and Southern Indians at Winchester on the 20th of May, and the Assembly of his Province will, he thinks, be backward in sending commissioners to Albany. Governor Dinwiddie had been only a little over two years in the Colonies, and apparently was as yet a tyro in the study of Indian politics; for if he had been thoroughly conversant with them, he would not have expected the Five Nations to meet him at any other place than at Albany. The following letter sent by some of the Mohawk chiefs to Sir William Johnson, the New York Commissioner of Indian Affairs, explains the feeling of the Five Nations on this point:

CANAJOHARIE, the 22d Day of March 1753.

SIR:

Brother Coll: William Johnson wee Let you No that there has not Been any of the five Nations at Virginia to Speeke with the governur, nor Never Recivid any Present from the governur of Verginia Last May, nor Any time after Last May. Wee Canajoharies, Onydes, taskaroras, Ondages Kayockes and Sinnikes Nor none of us. But Wee Agreed to meet to Speeke in Albany Because Wee Would Not goo to Loggstown in Virginia. Wee Would Speeke in

Albany that our Governour Could heare it And Wee Would Bee Glad to Speeke in Albany with the governur of Virginia And Wee did not Receve any Present in the above Neamed time from the Governur of Virginia Ass Witness our hands

P. S.—Hendrick says, that they all know, that five Nations gave you the Wamping, to Sand bak to the governur of Virgina, that they would not meet at Virginia, but att Albany.

his
ABRAHAM + PIETERS
mark
his
BRANT + URGYADEKHA
mark
his
HENDRICK + PIETERS
mark
PAULUS ———

The Council of New York advised Governor De Lancey, that to postpone the meeting with the Indians at Albany, would be unwise, and repeated this advice to Governor Shirley, of Massachusetts, when he also desired a postponement. Shirley seems to have been more of a politician, than of a statesman, — a man, who had the interest of his political party more at heart, than that of the whole Province under his government, and in this line of action we must consider him somewhat of a prototype for many of our modern elective officers.

He pleaded to De Lancey, that the meeting at Albany on the 14th of June, would interfere with their general election in Massachusetts on the 28th of May, as the commissioners, if any should be sent from his government, would be some of the Council and Assembly to be elected, and therefore he thinks, Massachusetts would not be represented at the proposed interview, unless the same was put off to July. Here we see the first indication of Shirley's opposition to the Albany Plan of Union, a modern historian, a Boston man, notwithstanding, who accuses De Lancey of New York, as defeating this plan, and says of Shirley, that he "took a leading part in the congress of Governors at Albany, (where Shirley did not come,) and warmly supported the abortive

scheme of union proposed by Franklin." Further proof of his opposition will be found in Volume VI of Documents relating to the Colonial History of New York.

I must request the reader's indulgence for diverging here into a few paragraphs of a polemic character, but the standpoint from which New England historians look down upon New York requires it. Being myself a beginner in the study of history, I may be called presumptuous to try my hand at correcting older writers, but the reasons for it are obvious. The truth about New York has never been written, for the writer encounters obstacles and no means to overcome them. The country, compared with Europe or Asia, is new. "The first settlers were too much occupied in conquering nature for a living to find time for exercising their literary capacities. Cosmopolitan from the very beginning of white life in New York, the unity of feeling. the pride of origin, which ordinarily give birth to history, could not grow." Then New York was first settled by Dutchmen, of whom the English knew very little, and whom the Puritans of New England, with characteristic English insolence, hated for the benefits and protection received in the Netherlands. We can go further for the dislike of New York so often expressed by New England. From the earliest beginnings of the Colonies, the Dutch and the New Englanders were involved in a boundary quarrel, which continued during the whole colonial period. Upon reference of the differences to England, New York was usually found to be in the right. But that added only fuel to the bitter fire of hate and dislike. Hence we see the history of New York treated with a subjective feeling by the historians of to-day, which is entirely unworthy of them.

As already stated, the Council of New York objected to a postponement of the meeting on Governor Dinwiddie's application, and again on Shirley's. The Indians had already been notified to come to Albany, and the state of their feelings at the time made delay impolitic.

The time appointed for the meeting drew near, and Virginia still endeavored to have it postponed. In March, Governor Dinwiddie informed De Lancey that the time would not admit of concerting measures with the other governments, and he therefore hoped New York would do all in its power to assist Virginia in driving the French from the Ohio. Shirley, of Massachusetts, had seen the futility of further delay, and sent word that he intended to appoint commissioners for the Albany meeting. It appears, however, from the credentials of these commissioners, that not the Governor, but the Council and Representatives of Massachusetts voted on the 18th and 19th of April, 1754, "that Samuel Welles, John Chandler, Thomas Hutchinson, Oliver Partridge and John Worthington (any three of whom to be a quorum), be and they hereby are fully authorized and empowered to represent and appear for this Province at the General Convention of the British Governments proposed to be held at Albany in June next, and in concert with Commissioners from all or any of the said governments to enter into Articles of Agreement and Confederation, as well offensive and defensive for their general safety and interest, and for confirming and establishing the ancient and uninterrupted Attachment of the Six Nations to his Majesty, our most gracious Sovereign, and their long and constant friendship with his Majesty's subjects on this continent." This insured the representation of one important factor at the proposed meeting.

In New Jersey, which did not expect to suffer from an invasion by the French, the Assembly declined to make provision for meeting the expenses of commissioners, therefore none were appointed. About the middle of May, Benning Wentworth, the Governor of New Hampshire, wrote that the commissioners from his Province should be fully instructed to join with the delegates from the other governments at the intended interview concerning *the erection of forts in the Indian country*. Theodore Atkinson,

Richard Wibird, Meshec Weare, and Henry Sherburne, jun., appeared for this Colony. The other Colonies were represented as follows:

Connecticut sent William Pitkin, Roger Wolcot, jun., and Elisha Williams; Rhode Island appeared by Stephen Hopkins and Martin Howard, jun.; Maryland by Benj. Tasker. jun., and Abraham Barnes; Pennsylvania by John Penn, one of the proprietors, Richard Peters, Isaac Norris and Benjamin Franklin; while New York was represented by its Lieutenant-Governor, De Lancey, and Messrs. Murray, Johnson, Chambers and Smith, of his Council. The absence of representatives of Virginia and New Jersey has already been accounted for. The Carolinas felt the danger of the French-Indian alliances as much as their sister Colonies, but political dissensions between the Governors and the Assemblies seem to have prevented the necessary money grants. Georgia, the baby of the Colonies, was just passing from the infant state of a philanthropic experiment into the maturity of a crown Province and could not be expected to be interested in matters occurring beyond its boundaries.

The city of Albany made little preparations to receive this assemblage of commissioners, who were to settle questions of so great importance to its inhabitants and to the Province generally. The Common Council passed, on the 9th of May, 1754, an ordinance for cleaning and repairing the streets before the 18th of the same month. Cleanliness was, as we all know, almost a monomania among the Dutch, and they wanted their city, then the stronghold of Batavianism on this continent, to appear clean to the strangers.

After they had arrived and undoubtedly enjoyed for a while, the private hospitality of such Albanians, as by their social position could offer it, the city entertained them. The same Common Council resolved on the 2d of July, "that his Honour the Lieut. Governour and the gentlemen, that

attended him from New York, also the commissioners from the neighboring governments, be asked to dinner at the City Hall to-morrow. This Board has agreed with Robert Lotteridge to prepare for the same at one shilling and six pence for each dinner and that the Commonalty pay for ye dinner at their own proper cost and that the liquor be at the expense of the city."

The accounts show, that the wine, offered at the City Hall upon arrival of the Lieut. Governor, cost £2.8.—, the entertainment £14.8.4. Imagine to-day a dinner, prepared by a caterer for probably at least fifty honored guests, and costing not more than about $40.*

Governor De Lancey and his Council held a preliminary meeting at the City Hall on the 18th of June. The Commissioners of Indian Affairs, of whom Colonel Sir William Johnson was the head, reported the result of their consultations a few days previous. They advised: The Six Nations should be exhorted to dwell together in their respective castles and the Mohawks to live in one only; the Onondagas were to cause all their friends and relations, wherever dispersed, to join them, particularly those who had separated and lived at Swegatchie (Oswegatchie), a French settlement of Indians of the Six Nations on the St. Lawrence. The Senecas were desired, to make a general castle near the mouth of their river, the Gen-is-he-yo-Ga-hun-da or Genesee river, where they had already begun to erect a new castle. The most effectual method, to retain and secure the Six Nations to the British interest, the Commissioners of Indian Affairs advised, would be to build two forts, one in the Onondaga, the other in the Seneca country and to appoint a missionary to reside in each. They further recommended, that the sale of rum in the Indian country should be forbidden, and that Frenchmen be expelled and afterwards kept out of the Indian castles.

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* The pound New York currency was equal to about ten shillings sterling.

The recommendation concerning the traffic in rum, with the Indians, was a hint, upon which the Governor promptly acted. A traveller, whose work we must consider as an authority, tells us something of this pernicious trade in liquors with the Indians. It is true, his nationality as Swede biased him against the Dutch, who had so effectually squelched New-Sweden on the Delaware, but we have other evidences to show that he did not go beyond the truth in his statement. Peter Kalm, this traveller, says of Albany and the Albanians, whom he visited in 1750: "Rum is an absolute necessity to the inhabitants of Albany for their Indian trade; they use it to blind the eyes of the Indians, so that the latter will sell his furs at any price, the Albany traders are willing to give." The large influx of Indians to Albany, where liquor was used as much as the daily bread, showed the prejudices to his Majesty's service and the danger to the peace of the inhabitants, resulting from indiscriminate use of liquor by these Indians. De Lancey therefore issued a proclamation, strictly forbidding "all persons, whatsoever, to sell or give to the Indians any liquor during my residence in this place, as they will answer it at their peril. And all magistrates, justices of the peace, and other civil officers are hereby required, to see that this proclamation be strictly put in execution and all offenders presented and punished with the utmost severity of the law."

Upon the other points the Governor decided, with the advice of his Council, to say to the commissioners of the other Colonies:

"That the treaty to be made with the Indians be in his Majesty's name in behalf of all the Colonies and if any of the commissioners would propose matters relative to a particular government only, that it be made a part of the general treaty.

"That it be principally insisted on in the conferences, to unite all the Indian nations and their allies in the British

interest in one common alliance and friendship with each other and with all the Colonies on the continent.

"That two forts be built at the places mentioned by the Commissioners of Indian Affairs, and a proper garrison constantly maintained in them, and smiths to repair their guns, in whose hands small sums of money should be put, to provide and give to the Indians such necessary supplies as they may most stand in need of from time to time.

"And that for the securing the frontiers of this and the eastern Colonies, three forts be erected and maintained with sufficient gerrisons in them, one in a proper situation near the Carrying Place on Hudson's river (to-day Fort Edward), one on the Lake St. Sacrement (Champlain), and the other on the lower or further part of Wood creek (in Washington county), the two last being the inlets, by which the French and their Indians make incursions into these Colonies."

These propositions having been approved by the Council, Goldsborow Banyar, the Deputy Secretary of the Province and Clerk of the Council, was directed to wait upon the Commissioners from the other Colonies and acquaint them that His Honor desired them to meet him in council in the the City Hall (then at the north east corner of Hudson street and Broadway) the next day, 19th of June, at eleven o'clock in the morning. Kalm, quoted already above, describes the City Hall of 1750 as a "handsome stone (brick) building, three stories high. It has a little spire with a bell, and on the top of the spire a gilded ball and a flag." The other houses of the city he found fairly well-looking, partly built of brick, usually covered with shingles of white pinewood. Tiles were little used, presumably only by the wealthier inhabitants, for these tiles had to be imported from Holland, as the clay found in the vicinity was considered not to be fit for such uses. No mortar covered the brick-walls, but the material did not seem to suffer from this exposure to the climate.

They met in the afternoon, and after they had organized, Governor De Lancey suggested that they should consider the points which they judged proper to be proposed to the Indians at the intended conferences with them, and prepare the speech to be made on the occasion. For this purpose, the Secretary or Agent of Indian Affairs was directed to attend them with the records of that office, and the Indian Commissioners received orders to supply all required information.

A proposition by Governor De Lancy points to disputes having arisen as to precedence among the delegates. To avoid further squabbles over such a trival matter, he moved that the Colonies should be named in the minutes according to their situation from north to south, and the Congress agreed to it.

The committee, appointed to draft the speech to the Indians, handed in the same on the 21st of June, but there were as yet no Indians of importance to whom it could be delivered. Five days more elapsed, and the Mohawks of the upper castle, the Canajoharie district, were still absent. "Brethren of Canajoharie," wrote De Lancey to them, "I am surprised at your staying so long from this place, where I have been for a considerable time. I expected you here among the first, as you had some complaints to make to me, which I have been and still am ready to hear; and I would have you come down immediately; otherwise I and the commissioners from the other governments shall be obliged to speak to the Six Nations without you."

This Castle of the Mohawks had been deeply offended at a conference held with Governor Clinton at New York on the 12th of June, 1753. "It grieves us," had they said by their speaker Hendrick, "to know and hear that the Council and Assembly don't take care of Albany, but leave it naked and defenseless, and don't care what becomes of our Nation. You sit in peace and quietness here, whilst we are exposed to the enemy." They had also complaints to make

about land matters, but received no satisfactory reply to any of their pleadings, and left the conference saying: "When we came here to relate our grievances * * * * we expected to have something done for us, and we have told you that the covenant chain of our forefathers was like to be broken. Brother, you tell us that we shall be redressed at Albany, but we know them so well that we will not trust to them, for they are no People but Devils, so we rather desire that you'll say nothing shall be done for us.

"Brother, by and by you'll expect to have the Nations down, which you shall not see, for as soon as we come home we will send up a belt of wampum to our brothers, the Five Nations, to acquaint them that the covenant chain is broken between you and us. So, Brother, you are not to expect to hear of me any more, and we desire to hear no more of you. * * * * Brother, we did not expect when we came from home that all our desires would have no effect."

After such talk by one of the most influential members of the Indian Long House, their absence from a meeting called to strengthen their friendship to the British interest looked ugly. For we must remember that the report of the proceedings in June, 1753, had induced the Board of Trade and Plantations to order this conference, hoping, as they did, that the Indians might be reconciled and made useful in the final struggle for supremacy on this continent between the English and French powers.

On the seventh day of waiting, the 28th of June, the anxiety naturally felt by all the commissioners was relieved by the announcement, the upper Castle of the Mohawks had arrived and desired to lay some matters of importance before the Governor and the Council. Hendrick, their speaker, plunged into *medias res* without much of the usual preliminary compliments of Indian speech. "Brother," he said, "we thought you would wonder why we of Canajohary stayed so long. We shall now give you the reason. Last summer, we, of Canajohary, were down at New York

to make our complaints, and we then thought the covenant chain was broken, because we were neglected; and when you neglect business the French take advantage of it, for they are never quiet. It seemed to us that the Governor had turned his back upon the five Nations, as if they were no more, whereas the French were doing all in their power to draw us over to them.

"We told the Governor, last summer, we blamed him for the neglect of the five Nations, and at the same time we told him the French were drawing the five Nations away to Oswegatchie owing to that neglect, which might have been prevented if proper use had been made of that warning, but now we were afraid it is too late. We remember how it was in former times when we are a strong and powerful people. Colonel Schuyler used frequently to come among us, and by this means we were kept together.

"Brother, we, the Mohawks, are in very difficult circumstances and are blamed for things behind our backs which we don't deserve. Last summer when we went up with Col. Johnson to Onondaga and he had made his speech to the Five Nations, the Five Nations said, they liked the speech very well, but that the Mohawks had made it. We are looked upon by the other Nations as Col. Johnson's councilors, and supposed to hear all news from him, which is not the case, for Col. Johnson does not receive from nor impart much news to us. This is our reason for staying behind, for, if we had come first, the other Nations would have said that we made the Governor's speech, and, therefore, tho' we had resolved to come, we intended the other Nations should go before us, that they might hear the Governor's speech, which we could hear afterwards. There are some of our people who have large open ears, and talk a little broken English and Dutch, so that they sometimes hear what is said by the Christian settlers near them, and by this means we came to understand that we are looked upon to be a proud Nation, and therefore stayed behind. 'Tis

true and known we are so and that we, the Mohawks, are the head of all the other Nations; here they are, and they must own it. But it was not out of pride that we Canajoharies stayed behind, but for the reason we have already given."

The cloud, rising on the sky of Indian politics and threatening to burst with disastrous results, was removed. Governor De Lancey, a New Yorker born, understood the Indian character well enough, and was so thoroughly trained in law that he found no difficulty in settling the land troubles which had caused such uneasiness among the Five Nations. He handled the "proud" and irascible Mohawks, of Canajoharie, so well that on the 5th of July they declared themselves satisfied with his promises and returned him thanks.

Equal satisfaction was expressed by the Mohawks of the lower Castle, who, on the opening of the conference, had told him by their speaker, Canadagaia: "We are here this day by God's will and your order, to which place you have led us as it were by the hand. This is our old meeting place, where, if we have any grievances, we can lay them open." They, too, had complaints to make about land transactions, in which the old Albany custom had been observed by the white men only pro forma. Surveyors had returned as sold lands from the Half Moon, "and so up along Hudson's river to the third fall and thence to the Cacknewaga or Canada creek, which is about four or five miles above the Mohawks, which, upon inquiry among our old men, we cannot find was ever sold." This was a case, where procrastination seemed to be the best policy, and De Lancey took advantage of the inability of the complainants to name the offenders. He told the Indians, white men's justice required to hear both parties before a judgment was given, and to manifest his friendship for the Indians, he would do them all the justice in his power.

The limited knowledge acquired by the red men, of the workings of civilized society, made it undoubtedly hard for

Governor De Lancey to satisfy these same Mohawks on another point. The Rev. Henry Barclay, a native of Albany, where he had been born as the son of the first Episcopal minister, had made his studies at Yale College in 1734, and after the absolution of his college course, gone to the Mohawks at Fort Hunter as catechist. He went to England in 1737, for the purpose of receiving holy orders, and after ordination, in January, 1738, was sent as missionary to Albany and Fort Hunter, by the Society for the Propagation of the Gospel. He returned to his native city in the beginning of April following, and continued his labors there and at Fort Hunter until 1746. When he first came to live with the Mohawks, at Fort Hunter, where they had one of their castles, he promised to continue there till his death. It speaks well for this native of Albany, grown up in Albany notions regarding the red men, that upon this promise, they proposed to give him a piece of ground to build a house upon, with a garden and a meadow. They showed him a little piece of low land, which he thought too small, and he pointed out a larger one, as he was determined to live and die amongst them. They transferred this larger parcel to him to keep as long as he lived there, but after laboring eight years among the Mohawks he left them, to take charge of Trinity Church in New York. He died at New York in 1764, superintending the publication of his translation into Mohawk of the Book of Common Prayer. The Mohawks could not understand that a man of scholarly attainments should prefer living in civilized surroundings to the wilderness of an Indian castle. Their complaints about it were not attended to. Neither this nor Mr. Barclay's claim to keep the land contrary to agreement, suited their imperious character. They were, however, willing to act in fairness, and asked the Governor to pay Mr. Barclay for the house, erected by him on the land, and stipulated that the land should remain forever for the use of the minister stationed among them. Governor De Lancey explained the reason

why Mr. Barclay had left them, and promised redress to the Indians. Another grievance on the part of the tribe, of a similar kind, was settled as easily. They always had a very great regard for Captain Butler, who formerly lived amongst them, and had promised to do so always. They now saw him at Albany, and understood that he would not return to Fort Hunter; therefore, they begged His Honor to let him go back. The Governor had to tell them that the company to which Butler belonged was sent out of the Province, and he could not post him again at Fort Hunter without men to command. That he had also a great regard for him, and as he was an old man and weak in his knees, he had given him liberty to live at his house, and should be pleased, were it in his power, to comply with their request.

The Indians were apparently satisfied with the answers they received, for they made no further complaints. The proclamation concerning the sale of liquor to the Indians does not seem to have had the desired effect. Drunken Indians may have swaggered about the streets of Albany, and terrorized timid women and children. To relieve them from the agonies of a "big head," nothing more could be done. But, not to destroy the satisfactory results of this important Indian conference, by allowing the Indians to be deprived of the presents, customary to be given on such occasions, was the study of Governor and Council. The most efficacious way to prevent this seemed to be a proclamation, which was issued on the 5th of July, prohibiting the buying or receiving from the Indians the presents given by the government. On the same day an Indian affair came before the commissioners, which they could not settle out of hand. A petition signed by six Housatannunck (Housatonic) or Stockbridge Indians was read, setting forth that they were natives of the Province of New York, and that their ancestors were native owners of some of the lands on and about Hudson's river to which the petitioners imagined they had a right, as neither their fathers nor they had ever

received any consideration whatever for a considerable quantity of these lands, now occupied by white people. These Stockbridge Indians were of the Mahicander or Mohican tribe, and tradition does not seem to have been so correct among them as among the Five Nations, or for purposes of their own they preferred to forget, that their forefathers had sold their lands during the preceding century. Evert Lucasson had bought part of their territory back of Kinderhook, Columbia county, in 1665; Gerrit van Slechtenhorst acquired land near Claverack in 1678; Derick Wessels ten Broeck, land on Kinderhook kil in 1679, and Robert Livingston settled with their approval and to their satisfaction on Livingston manor in 1683. But now Massachusetts people had their eyes upon the Hudson valley. They attempted to purchase lands long ago settled by New Yorkers, and hence the Indian complaints.

The Indians had apparently all been satisfied with the replies to their speeches by Governor De Lancey, but some of the commissioners from the other Provinces informed him that they did not think he had allayed the Indian's uneasiness about their lands altogether, and that they were of opinion he should speak to them again on this subject, to discover the real sentiment of the assembled Indians. The commissioners founded their belief of the continued uneasiness upon information that several of the Indians had declared themselves not satisfied. De Lancey therefore desired a committee of the commissioners should attend him in council, when he would examine the Indians again. A sachem of each Indian nation was sent for, and De Lancey said to them, when assembled: "You remember that soon after I came to this place, you told me you were very uneasy concerning the difference which then subsisted between Teady Magin and some Germans respecting the purchase of some of your lands [in the present county of Fulton], and that this controversy has been since settled to the satisfaction of all parties; and that as to the other com-

plaints which you had made at New York, as I was absent at that time [June, 1753], I told you that as soon as I returned thither, I would examine into them and do you all the justice in my power. Now I desire you will acquaint me and the commissioners present, whether you then declared you were satisfied with my promise and returned me thanks."

To the commissioners from New England, where the Indians were always considered as untrustworthy and as incapable of understanding honest and honorable dealings, such straight-forward appeal to the Indians' better feeling must have been a surprise. The reply of the Indians to this allocution of De Lancey can neither have failed to astonish them after their doubts about the Indians' satisfaction. Hendrick Peters of Canajoharie was again the spokesman who delivered himself as follows: "It is true we have made these complaints and your Honor has told us, you were at Albany, when we spoke of them to Governor Clinton at New York; we trust your Honor will do, as you have promised us. We, the Canajoharies, rely upon this promise and are well pleased. Your Honor is the head of all the governments present and we depend on you as our own Governor. But if, after a year, we do not receive satisfaction as to our complaints, we shall mention them again to your Honor and all the Governors, and if you find, after trial, you cannot redress them, we desire you to take the assistance of the other Governors. As we have spoken lovingly and friendly together, we hope everything may conclude so, more especially as the French (some of whose Indians are now in the place), if informed of any differences between their brethren and them, will laugh at us and endeavor to rekindle them." They then returned his Honor and the commissioners thanks and withdrew.

The sagacity of the son of the forest, awakened, kept alive and sharpened by his constant contact with nature had discovered that the object of this meeting of commissioners

from the English Provinces on the continent was not alone for the purpose of conferring with them and brightening the covenant chains. There were two other matters of importance to be discussed, and, if possible, to be settled. The first concerned all the British Colonies; the second only New York and Massachusetts.

For a thorough understanding of the matter discussed by this conference of Colonial delegates, we must cast a glance at their various commissions and instructions. The Massachusetts Commissioners were told by Governor Shirley to represent and appear for the Province, and enter into articles of union and confederation with the other governments for the general defence of his Majesty's subjects and interests in North America, as well in time of peace as war. The representatives of Connecticut were "to consult proper measures for the general defense and safety of his Majesty's subjects." The paragraph pertaining hereto in the Maryland Commission said: "I [the Lieutenant-Governor of Maryland, Horatio Sharpe], have had information that the commissioners from the neighboring Colonies will receive instructions * * * to concert measures for the better securing the Indians for the future in our alliance and preventing their being alienated from our interests, * * * as well as for the more easy defense of his Majesty's dominions on this continent. You shall, if any propositions of that nature are made, * * * let them know that this Province is also disposed to contribute to the execution of any general scheme to promote such desirable ends." The Rhode Island Commissioners were told "to meet and join with the other commissioners in consulting what methods are proper to be used to preserve the friendship of the Six Nations of Indians and their attachments to the British interest in America. Also, what else may be necessary to prohibit the French and their Indian allies from encroaching on the lands within the dominions of his Majesty, and in general as far as the abilities of this government will permit

to act in conjunction with the said commissioners in everything necessary for the good of his Majesty's subjects in those parts."

We see that only the Massachusetts delegates had explicit instructions regarding a union and confederation of all the Colonies, although a united action in the defense of the British interests on the soil of America, is implied by the wording of the directions given to the other representatives. The assembled commissioners had been in session from the 19th to the 24th of June, before any mention was made of a union of the Colonies. On that day, "a motion was made that the commissioners deliver their opinion, whether a union of all the Colonies is not at present absolutely necessary, for their security and defense. The question was accordingly put, and it passed in the affirmative unanimously." A committee, comprising Thomas Hutchinson, of Massachusetts; Theodore Atkinson, of New Hampshire; William Pitkins, of Connecticut; Stephen Hopkins, of Rhode Island; Benjamin Franklin, of Pennsylvania, and William Smith, of New York, was appointed to "prepare and receive plans or schemes for the union of the Colonies, and to digest them into one general plan for the inspection of the board." Four days later, this committee produced short hints of a scheme for the consideration of their colleagues, and the matter was discussed until the end of the session. After all the Indian business, above related, had been transacted, the commissioners, on the 9th of July, agreed upon a representation to the Home Authorities on the state of the Colonies, which closes with the recommendation: "That there be a union of His Majesty's several Governments on the continent, that so their councils, treasure and strength may be employed in due proportion against their common enemy."

On the next day, the 10th, the consideration of the plan of a Union was resumed, and finally adopted as below:

Plan of a proposed Union of the several Colonies of Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina, for their mutual Defence and Security, and for the Extending the British Settlements in North America.

That humble application be made for an Act of the Parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said Colonies; within and under which Government, each Colony may retain its present constitution, except in the particulars, wherein a change may be directed by the said Act, as hereafter follows.

That the said General Government be administered by a President-General, to be appointed and supported by the Crown; and a Grand Council, to be chosen by the Representatives of the people of the several Colonies, met in their respective Assemblies.

That within —— months after the passing of such Act, the House of Representatives in the several Assemblies that happen to be sitting within that time . . . may and shall chuse members for the Grand Council in the following proportions, that is to say:

Massachusetts Bay	7
New Hampshire	2
Connecticut	5
Rhode Island	2
New York	4
New Jersey	3
Pennsylvania	6
Maryland	4
Virginia	7
North Carolina	4
South Carolina	4
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Who shall meet for the first Time at the City of Philadelphia, being called by the President-General, as soon as conveniently may be, after his appointment.

Constitution of the United States, adopted on the 17th day of September, 1787.

Article II, section I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years . . . . and be elected.

Art. I, section I.

All legislative powers . . . . shall be vested in a Congress of the U. S., which shall consist of a Senate and House of Representatives.

Section 3.

The Senate of the U. S. shall be composed of two senators from each state, chosen by the Legislature thereof for six years.

Section 2.

The House of Representatives shall be composed of members chosen every second year by the people of the several states

Section 2. § 3. . . . . The number of Representatives shall not exceed one for every 30,000, but each state shall at least have one representative. . . . The State of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island 1, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3.

That there shall be a new Election of Members for the Grand Council every three years, and on the Death or Resignation of any member, his place shall be supplyed by a new choice at the next sitting of the Assembly of the Colony he represented.

§ 4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

That after the first three Years, when the proportion of money, arising out of each Colony to the General Treasury, can be be known, the number of Members to be chosen for each colony, shall from time to time, in all ensuing Elections be regulated by that Proportion (yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.)

* * * * * * *

That the Grand Council have Power to chuse their Speaker, and shall neither be dissolved, prorogued, nor continue sitting longer than six weeks at one Time, without their own Consent or the special Command of the Crown.

§ 5. The House of Representatives shall choose their Speaker and other officers.

Section 3. § 4. The vice-president of the U. S. shall be president of the Senate. § 5. The Senate shall choose their other officers and also a president *pro tempore*.

* * * * * * *

That the Assent of the President-General be requisite to all Acts of the Grand Council, and that it be his Office and Duty to cause them to be carried into Execution.

Art. II, Section 2.

1. The President shall be commander-in-chief of the army and navy of the U. S., and of the Militia of the several States.

That the President General with the Advice of the Grand Council, hold or direct all Indian Treaties, in which the general Interest or Welfare of the Colonies may be concerned, and to make Peace or declare War with Indian Nations. That they make such Laws as they judge necessary for regulating all Indian trade.

. . . . 2. He shall have power, by and with the advice and consent of the Senate to make treaties.

That they make all Purchases from Indians for the Crown of the Lands.

. . . That they make new Settlements on such Purchases. . . . .

Art. IV, Sect. 3.

1. New States may be admitted by the Congress into this Union.

That they make Laws for regulating and governing such new Settlements, 'till the Crown shall think fit to form them into particular governments.

* * * * * * *

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the U S.

That they have Power to make Laws and lay and levy such general Duties, Imposts or Taxes, as to themselves appear most equal and just

Art. I, Sect. 8.

The Congress shall have power: 1. To lay and collect taxes, duties, imposts and excises.

* * * * * * *

That the laws made by them for the Purposes aforesaid . . . shall be transmitted to the King in Council for Approbation . . . and if not disapproved within three years after presentation, to remain in force.

Art. I, Sect. 7, 2.

Every bill, which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the U. S.; if he approve, he shall sign it, but if not he shall return it.

That in Case of the Death of the President General, the Speaker of the Grand Council for the time being shall succeed and be vested with the same Power and Authority and continue untill the King's pleasure be known.

Art. II, Sect 6.

In case of the removal of the President, etc., the office shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

That all Military Commission Officers, whether for Land or Sea Service, to act under this General Constitution, be nominated by the President General, but the Approbation of the Grand Council is to be obtained before they receive their commissions. And all Civil Officers are to be nominated by the Grand Council and to receive the President-General's Approbation before they officiate. But in Case of Vacancy by Death or Removal of any Officer, Civic or Military, under this Constitution, the Governor of the Provinces, in which such Vacancy happens, may appoint, 'till the Pleasure of the President General and the Grand Council can be known.

Art. II, Sect. 2.

2. . . . . and he shall nominate, and by and with the advice of the Senate appoint . . . . officers of the U. S., whose appointments are not herein otherwise provided for.

The reader, after perusing the above extracts from the Albany plan of union and from the Constitution of the United States, will have seen in how far one resembles or differs from the other.

When the Congress of the United States was at work in 1787 framing the Constitution, Stephen Hopkins, one of the Rhode Island delegates at Albany, was a member of that Congress, and the independent spirit of another, Benjamin Franklin, pervaded the whole body. Albany may therefore claim, to have witnessed how the first germ of the United

States began to sprout within its walls. The other point, which occupied the attention of the Congress, was of a more local nature and has been settled only in modern times.

The charters or patents given to the Colonies of the Massachusetts Bay and of New York, were not quite explicit as to their boundaries. Hence this squabble, which the Massachusetts delegates had been commissioned to treat about together with the Indian conference. Massachusetts claimed jurisdiction and soil to Hudson's river, which of course New York denied. On the 10th of July, towards the end of the convention, Messrs. Murray and Smith of New York reported to the Provincial Council that they had proposed Connecticut river as the eastern boundary of this Province, to which the Massachnsetts commissioners would not agree, but on their part proposed a line twelve miles eastward of the Hudson. This again was rejected by the New York delegates and the Council advised, to propose to and agree with the gentlemen from Massachusetts, in the settlement of a line, to run northerly from the north bounds of Connecticut, so that it equally divided the lands between the Connecticut and Hudson rivers. This line was to be the boundary between the two governments. The Massachusetts men would not agree to this proposition and seemed to decline any further conference on the subject. They desired to refer the whole matter of the boundaries to arbitrators. The New York Council, however, was unwilling to leave the matter to arbitration, but willing to make a further concession in order to preserve peace and prevent bloodshed among the borderers. They suggested, that Westenhook (now Housatonic) river, should be the line of demarkation between the two Provinces "from the north line of Connecticut, as far as the place where the north line of Westenhook patent crosses that river, being about eighteen miles, that from that place on the said river a line should be run northerly so as to leave Fort Massachusetts one hundred

yard eastward of such line." This was the last transaction of the Congress at Albany.

After the adoption of the plan of union, the Commissioners were desired to lay the same before their respective constituents for their consideration. Modern historians differ about the reception of this plan by the various Colonial Assemblies. "The Colonial Assemblies," says one, "were unwilling to concede any of the privileges either to a central power chosen by themselves or to one appointed by the Crown." Another asks us to believe that the eastern Colonies were most ardent for the union, except Connecticut, which was too jealous of the power of the President General. Smith, the historian of New York, who himself had been one of the commissioners at Albany, calls the plan "a scheme, begotten in the fright of the delegates assembled at the repulse of the Virginians under Colonel Washington, on the 3d of July." He forgets, however, that the idea of such a union was first talked of by the delegates on the 24th of June, and that the news of Washington's defeat at the Meadows, near the Ohio river, on the 3rd of July, could not as yet have been known at Albany, seeing that no electric telegraph carried then the news with the rapidity of lightning. Governor Dinwiddie, of Virginia, who had commissioned Washington, received the news of the disaster about the 24th of July, and we cannot suppose that Washington would have sent another report by faster runners to Albany, to have reached there in time to influence the deliberations of the commissioners. The New York Council Minutes say, under date of the 28th of August, 1754: His Honour communicated a letter from Governor Dinwiddie, of the 31st ultimo, giving an account of the defeat of the Virginia forces under the command of Major Washington. This settles the matter as to the influence on the delegates by the report of Washington's defeat.

But let us see what the opinions about the Albany plan were, as expressed in the various Assemblies. Connecticut

declared it "would tend to subvert the liberties and privileges of the Colonists." New Jersey thought it might be prejudicial to the prerogatives and to the liberties of the people. Pennsylvania expressed no opinion, although the plan was discussed in the Assembly. The Assembly of New York, before which the plan was laid by Governor De Lancey, replied, in their address to the same: "We are of opinion with your Honour, that nothing is more natural and salutary than a union of the Colonies for their Defence, and that it is a reciprocal Duty to be aiding and assisting to each other in case of any invasion, but these principles, your Honor, will not extend to any unlimited sense; there may be instances where particular Colonies invaded ought to exert their strength and not too loudly call on others." In Virginia, it was deemed to contain articles of an extraordinary nature, and an objectionable feature was. that the President was to be invested with large powers, almost equal to a Vice-Roy. Even if the Colonial Assemblies had all approved of this Albany plan, it would never have become the law for the Colonies, as the Board of Trade were too much astonished by this provincial plan for a general government, so complete in itself; they regarded it with disfavor as restricting the prerogatives of the King. Had the affairs in the Colonies been different, they might have approved the union and urged the passage of a law for that purpose. But they evidently understood, that out of good. evil might grow. The southern Colonies had so many inherent causes of weakness, that they never could gather strength. The climate in the Carolinas, Georgia, and even Virginia, made the settlers indolent and unenterprising. Slavery was another weakening cause. The negroes almost equaled the whites in numbers, and a man whose acres in the eastern parts of the South had become sterile, would emigrate to the West, and settle upon fresh and more fertile lands there, to be worked by his negroes. In the Northern Colonies the population consisted of people of different

nationalities, different manners, different religions and different languages. Considerations of interest, power and ascendency made them extremely jealous of each other. The Puritanism of New England was only restrained by laws and higher authority from persecuting the Quakers, the Dutch Reformed, and other religionists. These being the conditions of life in the Colonies, the Lords of Trade and Plantations drew up a plan for the union of the American Provinces, which they wanted to take the place of the Albany plan. What they proposed does not concern us here. The Albany plan interfered with their own, and gave the people, who chose the Assemblies, the electors of the Grand Council, too much power in the matter of taxation. That alone was sufficient to condemn this Albany attempt at self-government in the minds of the British ministry. To confirm these latter in their opposition to it, there came a letter from Governor Shirley, of Massachusetts, who, as we must remember, had instructed the delegates of that Province on the point of union and confederation. He says: "The reason of committing to the several Houses of Representatives *solely* the choice of the members, which each Colony is allowed to send to the Grand Council, seems to be because it is proposed, that the Council should have power to levy taxes upon the people, which it is thought could not be exercised by any Council whatsoever in the Colonies which should not be wholly chosen by the people, or at least by their representatives, without raising a general dissatisfaction.

"2. On the other hand it is clear that as such Council can be considered no otherwise than as the general representative body of all the people of the Colonies comprized in the Union, the giving to them a share in making peace and war with the Indians, and concluding treaties with them, in the disposal of military commissions, in the power of raising troops and erecting forts, would be a great strain

upon the prerogative of the Crown, and contrary to the English Constitution.

"3. The command over the militia, power of raising them by warrant of impress, marching them upon any service, at least within the limits of the several Colonies, appointing all military officers, erecting and demolishing of forts, declaring war against the Indians, and making treaties of peace with them, are vested solely in the respective governors of all of them, proprietary and charter, as well as those whose government is founded on his Majesty's commission, except in the two Colonies of Connecticut and Rhode Island, whose governments stand upon their old charters, by which the Crown has divested itself almost of the whole prerogative and transferred it to the populace, in whom the several above-mentioned powers are lodged, the Governors not having so much as a negative in any election of officers or act of the Legislature.

"4. The institution of these old charter governments in the Colonies, during the state of their infancy, though well accommodated to draw together numbers of settlers in the beginning of the English Plantations, and for the regulation of each settlement, while it consisted of but an handfull of people, yet seems by no means well calculated for the government of them, when the inhabitants considerably increased in numbers and wealth. * * * *

"The result from these observations * * * * is that if the old charter form of government, such as that which is proposed in the Albany plan of union, is unfit for ruling a particular Colony, it seems much more improper for establishing a General Government and *Imperium* over all the Colonies to be comprized in the Union."

Shirley had been Governor of Massachusetts since 1741, and thoroughly understood, helped by his legal training, the bent of Colonial politics. He had done efficient services in America, and his opinion of the Albany plan had its due

weight in crushing this first attempt at autonomy made by the Colonies.

The seed had been sown. Twenty-one years later it began to sprout, and the blood of the thousands of Colonists who fell in defense of the great Aryan principle, "No Taxation without Representation," helped the Albany plan of union to grow into the Constitution of the United States.

COMMERCE THE CHIEF ARCHITECT OF CIVILIZATION.

In 1768 Sir Henry Moore, Governor of New York, wrote to the Earl of Hillsborough, then Secretary of State to King George the Third: "As one of the motives of my late tour was to get the best information of those parts of the Province, which were most likely to suffer in case of a rupture with the Indians, that I might be better enabled to give them the assistance they might require, I went up as far as the Canajoharie Falls on the Mohawk river: here is a carrying place about a mile in length and all boats going up or down the river, are obliged to unload and be carried over land, which is a great detriment, not only on account of the delay it occasions, but from the damage done to the boats and cargo; as this fall is the only obstruction to the navigation between Fort Stanwix and Schenectady, my intention was to project a canal on the side of the falls with sluices on the same plan as those built on the great canal in Languedoc."

He intended to place before the next General Assembly, which was to meet a few months later, this plan for reaching the more remote parts of his government by water, but for some unexplained reason he failed to do so.

This is, however, not the first time a canal is mentioned as planned in the annals of New York. Here again we must allow precedence to the Dutch. During the last year of their occupation, in 1664, inhabitants of what we now call the "City of Churches" and of New Amsterdam, found it inconvenient to go from Gowanus Bay to the mills, lying to the westward of it on Long Island. They proposed and received permission, to turn a little run of water in that neighborhood into a passage for boats, carrying 200 bushels of wheat or a load of wood, and thereby avoid going round west of Red Hook, "where the water is ordinarily very low." More than a hundred years later, in 1774, the General Assembly of the Province passed a law, "to impower certain

persons therein named to complete a ditch, that is partly dug from Gowanes Bay to the East river."

No attention was paid to Sir Henry's recommendation. Eight years later, in 1774, Governor Tryon brought the matter of canalizing again before the home government. He says in his report, that by a short cut across the carrying place on the Mohawk branch of the Hudson into Wood creek, which runs into the Oneida Lake, a passage could be opened through the Onondaga river into Lake Ontario. "The other branch [of the Hudson] being the continuation of the main river tends to Fort Edward, to the north of which it seems practicable to open a passage by locks, etc., to the waters of Lake Champlain, which communicate with the river St. Lawrence. Both branches are interrupted by falls and rifts; to surmount these obstructions, an expense would be required too heavy for the Province at present to support, but when effected would open a most extensive inland navigation, equal perhaps to any as yet known."

A glance at the map of America cannot fail to show us that Governor Tryon had a correct insight into the future. The Hudson river is, we see, the key to the continent for all comers from the east, with Albany at the head of navigation. "It touches the natural pass of commerce opened up in the geographical configuration of this continent." The Dutch had recognized the importance of the river, as well as the French, and it had been their endeavor to keep the people of New England and of Canada from it, because the one interfered with their lucrative Indian trade, while the others would have taken possession of the whole of New Netherland. But the Dutch and French dominions on this continent were doomed to short duration, and England, after having spent so much blood and money, to obtain undisputed possession, expected a return from the Colonies. Hence these propositions to open communication with the system of great lakes and the far West by means which the configuration of the country offered.

The time, when Governor Tryon made this report and suggested the important work, was not propitious for such undertakings. Republican sentiment had become too strong in the Colonies, and the ministers of the Crown were not disposed to do any thing which would increase the strength of the trans-atlantic dominions. Then came the war of independence, and internal improvements could not be attended to. The end of the war and the opening of western lands to the disbanded army, by way of bounties, brought the importance of better communication with this region again forcibly before the eyes of the statesmen controlling the life of the new nation. The republican ideas, which brought forth the United States, spread to Europe, and caused, among other disturbances in the old world, a short-lived, but disastrous, revolution in Holland. Two men were engaged in this revolution on the popular side, and, after defeat, they found their way to America. One of them was Colonel Adam G. Mappa, who became the agent of the Holland Land Company; his friend and companion was Adrian van der Kemp, originally a minister of the gospel, and here a master in chancery and one of the assistant justices of the Ulster County Court. Judge van der Kemp was induced to make a journey to the western part of the State, and wrote, in July, 1792, to his friend Mappa: "Our inland navigation, superior to that of many, equal already to the best watered States in the Union, contributes greatly to the increase of our commerce. * * * Our government, I am informed, has passed a law to clear the navigation from the Mohawk to the Hudson. If this is not correct, then it is a prognostication what it shall, what it ought to do at a future time. So much is certain, that it is resolved to open the carrying place between the Hudson and Wood Creek, and to clear the latter from many obstructions. Several thousand pounds have already been consecrated by the Legislature to this salutary undertaking, while subscriptions for the deficit have been opened in Al-

bany and New York with such a success that they were filled in a few days." We shall see to which acts of the Legislature the judge refers. He continues in his letter to Colonel Mappa: "See here then an easy communication by water carriage opened between the most distant parts of this extensive commonwealth; see the markets of New York, Albany and Schenectady glutted with the produce of the West and the comforts of the South distributed with a liberal hand among the agriculturers of this new country. The fur trade begins already to revive, shall ere long recover her former vigor, when the western Forts are surrendered; and if it remains shared, as it naturally must, by the Northwestern Company, this seeming loss shall be fully compensated from other branches, grafted in the wants and interests of the Canadians. But this is not all. It is rather the breaking out of the sunshine thro' a morning fog in a charming summer day. Fort Stanwix must become a staple place of the commodities of the West, stored there from the fertile lands bordering the lakes and rivers, and Old Fort Schuyler, nearly the central part of intercourse between the North and West, transformed into an opulent mercantile city, where future Lorenzos will foster and protect arts and sciences, where the tomahawk and scalping knife shall be replaced by the chisel and pencil of the artist, and the wigwam by marble palaces. Do not think that I dream, sir! *Fulto Si pero, quando si vuole.*

"Our canals at the Falls, at Fort Stanwix, open an early communication between the lakes Ontario and Oneida, which is possible, and can thus be executed, and a large part of the work is peracted. Go on then and dig canals through the western district, and be not afraid that a single hair shall be hurt on the head of its inhabitants by the waves of Lake Erie. Dare only to undertake the enterprise and I warrant the success. * * * * Give me the the disposal of fifty New York purses, give me only the credit of that city, and I shall do what others promised in

florid speeches; or, art thou apprehensive that the spell of your enchantment shall be broken. Give me the Republican wand of Cajus Popilius and I will go to the water-nymph Erie and trace a beautiful canoe, thro' which her ladyship shall be compelled to pay a part of her tribute to the Ocean through the Genesee country, engaging her a courteous attendance from lakes and creeks, to wait on her Grace during this extorted excursion, and leaving her the consolation of the Doge of Genoa at the French Court, 'to admire no object but herself' during her course through our country to the Hudson River."

Thirty years later, Governor De Witt Clinton, who was on intimate terms with Judge van der Kamp and called him "the most learned man in America," wrote to him from Albany: "Your letter to Colonel Mappa on the canal, written in 1792, is really a curiosity. It gives you the original invention of the Erie route, and I shall lay it by as a subject of momentous reference on some future occasion."

A few months before the date of this letter, on the 30th of March, 1792, the Legislature of the State of New York had enacted, and the Governor signed, "An act for establishing and opening lock navigations within this State." This was the entering wedge which made Albany the centre of the lumber trade in the eastern part of America. The Legislature of that day, not dreaming of steam-power and its attendants, recognized that communication by water between the southern, northern and western parts of the State would encourage agriculture, promote commerce and facilitate a general intercourse between the inhabitants. Commissioners in New York and Albany were appointed by this act to take subscriptions and issue stock in the "Western" and in the "Northern Inland Navigation Companies." Abraham Ten Broeck, John Taylor, Philipp van Rensselaer, Cornelius Glen and John Ten Broeck were the commissioners for Albany. The President of both companies was an Albanian, a man who had fought valiantly

during the war against England — Philipp Schuyler, and among the names of the directors named by the act many Albany families were represented. For Directors for the Western Company were to be elected thirteen of the following: Leonard Gansevoort, Jeremiah van Rensselaer, Elkanah Watson, John Taylor, Jellis A. Fonda, William North, Goldsbrow Banyar, Daniel Hale, John Watts, Walter Livingston, Dominic Lynch, James Watson, Mathew Clarkson, Ezra L. Hommedieu, Melancton Smith, David Gelston, Stephen Lush, Cornelius Glen, Silas Talbot, John Frey, Douw Fonda, John Sanders, Nicholas I. Roosevelt, Daniel McCormick, Marinus Willet, Jonathan Lawrence, Philipp van Cortlandt and James Clinton. The Northern Company's affairs were to be managed by thirteen of the following persons: Abraham Ten Broeck, John Williams, Stephen van Rensselaer, Jacobus van Schoonhoven, John van Rensselaer, Abraham G. Lansing, Cornelius Glen, Henry Quakenboss, Robert R. Livingston, Philipp Livingston, James Duane, Alexander McComb, Samuel Jones, Nicholas Lord, Dirck Lefferts, William Duer, Peter van Ness, Barent Bleecker, Henry Livingston, Peter Gansevoort, Peter B. Tearse, Alexander Webster, George Wray, Thomas Tillotson, Mathew Scott, Zephaniah Platt, John Thurman, Albert Pawling and Zina Hitchcock.

Operations on the Western route could hardly have begun when the directors discovered that several of the provisions, restrictions and limitations in the act incorporating the companies retarded greatly the progress of the intended improvements, and would make it impossible to complete the work within the fixed limit of five years. They petitioned, therefore, the Legislature for relief, and that these improvements, whose object was extensively to benefit the community, might not be impeded, an act amending the former was passed in December, 1792.

The Council of Revision, composed of the Governor of the State, George Clinton, Chancellor Livingston, and Jus-

tices Hobart and Lansing, objected to this bill as "inconsistent with the spirit of the Constitution and the public good." They said, the power intended to be vested in the President and Directors may in its execution prove subversive of the rights of private property by divesting the proprietor of his land in cases not indispensably necessary for the attainment of an object of public utility; the third enacting clause of the bill not only providing for the appropriation by the company of the land, on which any canal, lock, dyke or other work shall be constructed, but extending such appropriation for some distance on both sides of any such work, and expressly declaring, that the land so acquired may be applied to such uses as the officers of the company shall think proper. Thus wresting from an individual his property in a manner only justifiable in cases of urgent public necessity, without imposing on the company, to which his right is devolved, as a duty, that it shall be sacredly applied only to the advancements of those interests of the company in which its private emolument is inseparably connected with the effectual promotion of the public good. They further objected to this bill, because previous to executing or even obtaining a writ of *ad quod damnum*, the bill authorizes the President and Directors, or their agents, to enter upon, dig, trench and use the land of any citizen without his permission, thus sanctioning a destruction of timber and improvements, before proper precautions have been taken to ascertain the amount of the injury sustained and in many instances depriving the party affected by such proceedings of the most conclusive proof of the extent of that injury, arising from a relative comparison of the several parts of the lands on which works are constructed, and those adjoining them, and a collective view of the state of the improvements rendered useless by the appropriations made by the Presidents and Directors.

The Assembly voted, that, notwithstanding these objections, the bill should become a law of the State. Legisla-

tures were then, as to-day, liable to be influenced by big corporations, but the two Inland Lock Navigation Companies, in whose favor this law was enacted, were not sufficiently benefited, and had again to petition the Legislature for relief, within fifteen months. Their funds had proved inadequate to the undertaking and carrying into effect a design so extensive in its nature, and unavoidably attended with very considerable expenses. They had found it impossible to float the shares of stock, limited by the incorporating act to 1,000; of the stock of the Northern Company only 672, of the Western, 738 had been subscribed by 277 persons; although £10 had been paid on each share by the original subscribers, yet many of the 277 had since neglected or refused to pay a subsequent call of additional £10. By the deficiency of the unsubscribed shares, the expense to complete the objects contemplated by the Legislature, threatened to amount to more than many could afford. The failure of many of the subscribers to respond to the second call, had reduced the number of active shares in each company to 600. The committee of the Assembly, to whom this petition had been referred, recognized, that the object for which the companies had been called into life, was of very extensive national concern and proposed that the State should become stockholder to the amount of 590 shares, the defect of the stock of both companies, or loan to the corporations a sum equal to these shares, under proper conditions of repayment and security. When the matter came before a committee of the whole House, opinions differed as to the mode of relief to be granted. All members seemed to be convinced, that an undertaking of such importance, deserved to be aided by the State. The result, however, would have been satisfactory to the companies. The same day "An act relative to the Western and Northern Inland Lock Navigation" was brought in and read the first time. It passed the second reading two days later, on the 24th of March, 1794, but shortly after, on the 27th, the House resolved, "As the

sense of this House, that the Inland Lock Navigation is of high importance to the prosperity of this State and is promotive of the agricultural and commercial interest thereof, and as such that it merits legislative aid and attention. That from the advanced period of the present session, the Legislature cannot give the subject the consideration its importance requires, but that it be recommended to the Legislature at their next meeting, as a proper object of their early attention and support." Fearing, perhaps, that this recommendation to the next Legislature might not be made or overlooked by that body, the companies by their President, Philipp Schuyler, laid the matter before the Assembly of 1795, presided over by an Albanian, William North. The scheme of canalizing had in the meantime found only little favor in the eyes of capitalists, the number of shares taken had increased from 738 to 742 in the Western Company and from 672 to 676 in the Northern. Many of them appeared to have been taken from the mere motive of speculating upon the probable rise in the market. Such a rise not taking place and the directors having been obliged to make another call for money, 233 shareholders of the Western and 242 of the Northern failed to respond, and forfeited their stock. Notwithstanding the serious embarrassments, caused hereby and others, unavoidably incident to a work so novel in the young country, the business of the companies had progressed so far as to demonstrate the practicability of effecting their purposes.

The waters of Wood creek emptying into Oneida lake, and of its namesake, which empties into Lake Champlain, had been cleared from obstructions, the course of the canals traced, a canal and lock were prepared for connecting Lake Champlain with Wood creek, and others had been erected at the falls in Herkimer county. The officers of the companies were confident that nothing but the want of funds could prevent their being able within a reasonable period to complete the inland navigation to the westward and to the

northward, whereby a new band of union would be formed between the most distant parts of the State, their mutual intercourse promoted and encouraged, the value of property greatly enhanced and the commerce of the whole not only extended, but secured from those channels into which it might otherwise be turned, to the great injury of agriculture and commerce of this State. The Legislature was asked to assist, either by directing a subscription on the part of the State to the deficient shares in these companies or by loaning to each company the annual sum of £6,000 for five years successively, to be repaid *pro rata* from such annual dividends as might arise from tolls. On the 9th of March, a law was enacted further "to amend the law relative to the Inland Lock Navigation Companies," and on the 31st of the same month the "Act for the more effectual prosecution of the improvements commenced" by these companies, authorized the Treasurer of the State to subscribe, on behalf of the State, to 200 shares of stock in each company. In 1796, the Legislature again opened the purse of the State in favor of the Western Company, by directing the Treasurer to advance to the corporation the sum of £15,000. Even this apparently unasked-for aid was not sufficient to keep the Western Inland Lock Navigation on its legs. The very high price of labor had prevented them from obtaining as many workmen as they had contemplated to employ during the open season of 1796 in order to complete the canal, connecting the waters of the Mohawk river with those of Wood creek. Many of the men in their employ were lured away by higher wages elsewhere. Nevertheless, sufficient progress had been made in excavating the canal and in other works incident thereto that no doubt remained, but it could be effected in a year with the requisite locks, of which one had already been erected.

But nature had interposed impediments, to remove which required the expenditure of more money than the company could command. Surveys made of the Mohawk river

showed that the rapids between Schenectady and Schoharie creek, a distance of twenty miles, were so many, so shallow and impeded with so many rocks, that although it could be made as navigable as the act of incorporation required, yet it would be a navigation so imperfect as not to afford all the advantages to the community as were desirable. A canal was, therefore, proposed on the south side of the Mohawk, between the two places mentioned, which it was estimated would cost $250,000. The company had a prospect of obtaining this sum by a loan on reasonable terms, or by a subscription of an equivalent in shares of the stock, from persons resident in Holland who had purchased land in this State. This Holland Land Company was willing to advance the money, provided that the Legislature would permit them to hold the lands so purchased as tenants in common in fee-simple, subject to the condition not to sell any part or parts thereof except to citizens of the State or of the United States. The petition was read in the Assembly on the 17th of February, 1797, and on the 17th of March following, "An act providing a means for procuring a sum to the Western Inland Lock Navigation Company, to enable them more effectually and speedily to prosecute the improvements in the said navigation," was signed by the Governor. At the same time the measures prayed for in regard to the Holland Land Company became a law.

A few years passed, during which the Western Company was not in financial difficulties. It was now the turn of the Northern Company to be brought to the attention of the Legislature. They had cut a canal through the land of inhabitants of the village of Stillwater, in Saratoga county, and were unable to pay for the damage done to the property, and properly ascertained by competent arbitrators. The State had become a stockholder of this company, and, pending its insolvency, the party aggrieved looked to the Legislature for relief. This was a case of the nature which Governor Clinton and the Council of Revision had forseen

when they objected to the law of 1792. The Assembly of 1799 did not feel able to cope with this question without the legal opinion of the law officer of the State. The then Attorney-General, Joseph Ogden Hofiman, decided: "Upon principles of law, the private property of the stockholders of this corporation cannot be held liable for the debts of the company, and the State on this occasion can only be considered in the situation of a stockholder to the extent of the shares subscribed and taken, and its separate funds are not responsible for demands upon the company. * * * * By the act of the 31st March, 1795, the Treasurer is considered as a stockholder, and is directed to pay such further sums on each share to be subscribed by him, as may be so required. The directors of the company have not recently made any such requisition, and if they were now to order one, there is good reason to conclude that most of the shares, held by individuals, would become forfeited, and that the Treasurer, by the terms of the last act, would comply with such requisition. It ought not, therefore, to escape observation that, while such an arrangement might enable the directors to satisfy the present and all other demands against the company, yet in effect such satisfaction would be made by the State. A consideration of this circumstance, it is to be presumed, has governed the recent conduct of the directors in delaying any new requisitions."

The extension of the settlements on the Lakes, and the rapid improvement of the western part of this State, fully justified the liberal views which dictated the opening a navigation adapted to afford a conveyance for the ample products of that fertile region, and for the necessaries and conveniences of life, which the manufactories of the towns, or the resources of foreign commerce, enabled the inhabitants of the earlier settled parts of the country to supply. The mode of conveyance, then in use, is somewhere called

"commodious." To-day we would grumble and sneer at the frugality of our forefathers.

Before the canal at the falls in Herkimer county had been constructed, in 1795, every boat bound up or downwards, with all its cargo, was taken out of the river and conveyed on wagons over the carrying place, on a road as rough and as rocky as could well consist with its being passable. The boats thus transferred could not be large, and seldom exceeded the burthen of a ton and a half. If any arrived singly at the landing on either side of the falls, it could usually not be conveyed with its cargo to the other side in less than half a day. If other boats arrived about the same time, a longer period was required in proportion to the number of vessels, and frequently it happened that there was a detention of two days. Hence, as every boat was navigated by three men, the shortest detention involved the loss of the wages of one man for one day and a half.

The unequal surface of the road, the unwieldy bulk of the boats, the exposure of the cargoes to the injuries of the weather, and the unloading and reloading, frequently entailed great injuries and loss. Disappointments, occasioned by loss and delay, were often very severely felt; but since the canals had been completed, a boat with its cargo could pass through the canal in either direction in less than an hour, and a number of boats arriving at the same time could be locked through successively at intervals of only eight minutes. Now, boats carrying from eight to ten tons could be and were employed between Schenectady and Rome, and the expense of transportation by these means alone was reduced more than one-half; and after an improvement of the navigation on Wood creek had been made, boats could easily and safely go to the most southern parts of Cayuga lake. The transportation at the falls, previous to the completion of the canal in 1795, cost four shillings (50 cents) for a boat, and the like sum for a wagon-load; but the road would not admit of carry-

ing half a ton in a wagon, and as the price of all kinds of labor had been considerably increased since that period, in this instance probably 75 per cent, this amounted to the toll charged on half a ton, not only for passing the locks at the falls, but also the Burnetsfield locks, in Herkimer county, at which no toll was asked. It was evident that not only all the expenses resulting from detention, from loss of articles, from injuries to the boats and cargoes were now saved, but the charge of transportation was also greatly diminished by the facility afforded for the passage of larger boats.

Consideration of these benefits, which had accrued to the State and to the public generally, induced the Legislature of 1802 to enact a new law for the relief of the Western Inland Lock Navigation Company. The Comptroller was authorized to accept shares of the stock of the company for money due to the State; delinquent shareholders were readmitted by paying arrears and "watering" stock, a very proper proceeding for a company dealing so largely in water and water works, was legalized. The company received permission to divide each original share into three, and the new shares were to represent $120.

The Legislature then, ever attentive to the prosperity of the State, readily perceived the great advantage that had already accrued to the public by means of the improvements made up to 1806, and being convinced of the hardships and inconveniences under which the individual stockholders labored by not deriving any interest for many years on the moneys already advanced, granted further relief to the company by extending the time for completing the work to January 1, 1808.

When the year 1808 came around, the company deemed it the wisest policy to surrender to the State that part of their grant which allowed them to continue the canalizing west of Oneida lake, and the Legislature accepted the surrender. This was virtually the end of improving the inland

navigation of the State by private parties. The Albany members of the Board of Directors had died, and the duty of managing the affairs of the companies had been transferred to men principally living in the city of New York, who could not or would not give that necessary personal attention, which alone could insure success.

To understand the action of the Legislature in the following years, we must study the statistics of population in the State at that period. When the first move was made in 1791, the State was divided into twenty counties; the population not warranting a division of the territory into more. Two had been added in 1795, when a census of the voters in the State was taken. This census of voters showed, that in a total of 64,017 for the State, there were 31,393 living in counties directly affected by the easier communication which the canals offered. In 1801 the voting population of the State had increased to 85,844, the number of counties to thirty, of which only twelve were not contiguous to the canals, and the voters in these thirty counties numbered 47,-462. When the next census of voters was taken, in 1807, we find a voting population in the State of 110,997, of which the canal counties furnished 58,345, and thirty-eight counties were represented in the Legislature. Seven counties were added in the years 1808 and 1809, all, with the exception of twelve, more or less interested in having easy means of communication with the markets for their produce or their necessities. The Assembly of 1795 was composed of seventy members, twenty-eight of whom came from counties directly touched or like Albany and Rensselaer counties benefited by the canals. In 1801, of the 107 members sitting in the Assembly, fifty-one came from these counties, while of the 112 members of the Assembly in 1810, seventy-four represented constituencies, who derived benefits from the inland navigation. This Legislature of 1810 authorized the appointment of commissioners to explore a canal route between the Hudson river and Lake Erie. It was the first scene in

the first act of the great drama which ended in the final scene of opening the Erie canal on the 26th of October, 1825.

Commercial statistics tell us, what significance the Erie canal had in the development of the United States. The returns for 1870 enumerate 28,138 vessels as belonging to the various customs districts of the country. Of these the State of New York had 6,977 or more than one-fourth, while ports on the lakes Erie and Ontario could claim 3,439 as belonging there. Nearly all these lake vessels depend for their trade on the craft plying on the canal, and paying, in 1870, for tolls into the treasury of the State, the sum of $3.107,138.90. A further inquiry, which, however, would lead too far in explaining, would show that New York furnishes over one-third of the American tonnage and of the capital invested in the lake trade in consequence of the connection of the lakes with the Hudson at Albany. The trade from and to the West, just then barely opened, threatened to find an outlet to Europe and other countries by way of Montreal and the St. Lawrence river. This trade would have enriched a foreign country and the great commercial rival of the United States, and might have corrupted the morals of the Americans by the opportunities it afforded for smuggling. The opening of the canal further increased the revenues of the State, because it brought salt from the works at Salina in competition with the article imported from foreign lands.

To complete this sketch of the importance of the Erie canal, we will see what a joint committee of the Senate and Assembly of 1817 say on the subject: "This State is favorably situated for the encouragement of every public interest. It contains inexhaustible quantities of salt, gypsum and iron ores, with a great variety of other valuable materials for manufacturing establishments. The thirty million acres of its territory offer to agricultural industry no uncertain or penurious reward. An unrivaled river navigation for more than 160 miles, terminating on the sea board, at a port which is healthy, capacious and easy of access; its interior

boundary line passing for more than half its length through the waters of Erie, Ontario and Champlain, and the numerous navigable lakes included within its limits afford to its citizens the most decided commercial advantages. In such circumstances its prosperity is not surprising. It was to be expected that under the direction of prudence and patriotism its wealth, population and security would be rapidly advanced. And this advance, which is everywhere observable, is not the less gratifying because it was natural and probable. It is on that account more likely to be permanent. But has it not nearly reached its maximum with respect to the Southern and Middle Districts, unless some new means of aiding it are speedily discovered and applied? Considerable portions of these districts are now almost replete with inhabitants,* who by their industry and enterprise have taken possession and made the most of nearly all the bounties which nature has spread out before them. Beyond the slow progression of improvement to be produced by the invention of happier methods of applying labor and the more perfect division of mechanical occupations, what will enlarge the borders of their cities and villages hereafter?

"As the Eastern and Western Districts† have increased in numbers and opulence, they have loaded the Hudson with their surplus produce and the merchandise for which they

* The Southern Senatorial District comprised then the counties of Dutchess, Putnam, Westchester, New York, Kings, Queens, Suffolk, Richmond and Rockland, and had, in 1814, a population of 236,508 souls, including slaves. In the Middle District were the counties of Columbia, Greene, Orange, Ulster, Albany, Delaware, Sullivan, Chenango, Schoharie, Otsego with 261,064 inhabitants. Albany county alone had in 1880 a population of 154,890.

† The Eastern District: Clinton, Essex, Franklin, Herkimer, Jefferson, Lewis, Montgomery, Rensselaer, St. Lawrence, Saratoga, Schenectady, Warren, Washington, with a population of 295,587 in 1814. The Western District: Allegany, Broome, Cayuga, Chautauqua, Cortland, Genesee, Madison, Niagara, Oneida, Onondaga, Seneca, Steuben, Tioga, with 243,602 inhabitants. The population of the State was then a little over 1,000,000.

have exchanged it and this trade has been the chief aliment of all the increase, which has latterly been exhibited at the mouth and along the banks of that river. But the remote sections of these districts are contiguous to the territory of a foreign power, and are washed by navigable waters, which flow into the ocean through that territory. It is for the interest, and therefore will be the policy, of that power to invite commercial intercourse with those sections. Facilitated by the course of their streams and the declivity of their country, our citizens have already extensively engaged in this intercourse, and if nothing is done to divert them from it, it is easy to foresee that it will become permanent, and soon embrace within the number of its agents all those who live beyond the high lands, in which our rivers running to the north originate, including the most fertile part of the State, which is hastening also to become the most populous. Our eastern and western districts having been settled from the south and the east, roads from these points were, of course, first opened. These roads were extended and improved with the diffusion and age of the new settlements, and as they were, for several years, better in proportion to their proximity to the Hudson, this circumstance, added to the ties of acquaintance, friendship and consanguinity, retained the settlers for a long time and universally in a business connection with our own cities. But these roads are now carried through to the farthest borders of the State and on the margin of the waters, where they terminate a dense, active and intelligent population is collected. Stimulated by the energetic impulse of private emolument, these people are making new roads and improving the old, erecting storehouses and wharves, building vessels of every description calculated to facilitate transportation, and at various places entending into the country by artificial constructions and the improvement of natural streams navigable communication with the northern waters. The enterprising spirit of these people is laudable. It has heretofore added to the wealth

of the State, while it has enriched themselves, but unless it is directed into new channels it will hereafter lavish the production of our soil, to the amount of several millions a year, upon our northern neighbors. This unwelcome result it appears to your committee that the present state of things is rapidly maturing, and to render it still more inauspicious it will inevitably produce the effect of sending to a permanent foreign residence many of our most useful citizens.

"Shall we look with unconcern and see so large a portion of our means, within our power, of conferring a perpetually increasing strength and respectability upon our body politic forever averted? Or shall we adopt an easy, an obvious, an effectual method of reclaiming for ourselves and our posterity to the remotest generations all these means, amplified unto their fullest proportions by a warmer patronage, than the frozen outlet of the St. Lawrence can ever afford? The decision of this question is now emphatically devolved upon the State. It is a question in which the interests of every district, county and town are deeply implicated. * * * Navigable canals connecting the Hudson with Lake Erie and Lake Champlain would from the moment of their completion make it cheaper for nearly all of our northern and western citizens to find a market down these canals than in any other direction, and they would certainly afford the safest possible transportation.

"But besides calling to our own markets a large amount of the productions of our own soil, which are now alienated from them, the construction of these canals would draw into our limits the trade of the western parts of Vermont, of a considerable region in upper Canada and of the northern half of all that portion of the United States which lies west of the Alleghany mountains. The future extent of this trade it would be difficult to calculate. It must be immense. The country south of the great lakes alone, from which it will flow, includes as many acres as make up the territory of some of the most powerful nations of Europe, and is the

most fertile part of the globe. That country already contains near a million of souls and is increasing with a rapidity of population known only on this side of the Atlantic. * * * * It is in our power to open to that country a cheaper, safer and more expeditious road to our market towns than they can possibly enjoy to any other. Shall it be done?"

The citizens of Albany know that it has been done, and they have derived material benefits from it. The reader of this sketch will, however, say, what had Albany to do with it, as it was not an *Albany* enterprise. Let us turn from the study of history to that of a cognate and closely allied branch, to chorography, which has more to do with the events of history than it receives credit for.

We learn in geography that a range of lofty mountains traverses the United States from North Carolina northward to the St. Lawrence. This Appalachian range allows access to the Atlantic Ocean, to various rivers, the Hudson, the Delaware and the Susquehanna, but none of them navigable for boats until within a short distance from its mouth, except the Hudson, which can be navigated by considerable craft as far as Albany, or 150 miles from the sea. It was, therefore, necessary that when a connection of the Great Lakes with the Atlantic seaboard was considered, the Hudson should be chosen. Another consideration was the shorter distance between the settlements, then growing up in the West, and the Hudson, as compared with a possible Mississippi route. From Buffalo, at or near the then contemplated commencement of the canal, it is about 300 miles to Albany, from Buffalo to Montreal 350 miles, and from Montreal to the mouth of the St. Lawrence, 450. From Buffalo to New Orleans by the Lakes and the Illinois river, 2,250. The Upper Lakes, Superior, Michigan and Huron, have no other outlet than into Lake Erie; hence, the trade coming to settlements on these lakes had to go eastward to find a better market. The distances of towns, then in

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existence, tell their own story. Chicago is distant from Albany, 1,050 miles, from New Orleans about 1,600, and from the mouth of the St. Lawrence also 1,600; from Detroit to Albany the distance is 550 miles, to the ocean, by way of the St. Lawrence, 1,050; to New Orleans, by way of Cleveland and down the Muskingum, 2,400.

The mountain range mentioned touches the Hudson a comparatively short distance below Albany. It would have been folly, and caused needless expense, if it had been attempted to reach the navigable Hudson through this range, and as the shortest way is usually the best, Albany had to be chosen as the eastern terminus of the Erie Canal.

And what has the Erie Canal done for the history of the United States? It has raised the State of New York to the first place in the sisterhood of American commonwealths, and going beyond the borders of this State, the benefits derived from this system of inland navigation have been showered upon sister States.

"I am rejoiced," said Governor Tilden in a speech at Utica, "that it is impossible for us to protect and develop our own interests in respect to the great systems of intercommunication which traverse our State without conferring like benefits on the great western communities of Illinois, Michigan, Wisconsin and Missouri."